रजिस्ट्री सं० डी० 222 REGISTERED No. D. 222

भारत का राजपत्र
The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 48] नई दिल्ली, शनिवार, नवम्बर 29, 1969/अग्रहायण 8, 1891
No. 48] NEW DELHI, SATURDAY, NOVEMBER 29, 1969/AGRAHAYANA 8, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 6 नवम्बर, 1969 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 6th November, 1969:—

Issue No.	No. and Date	Issued by	Subject
361	S.O. 4325, dated 24th October, 1969.	Ministry of Information and Broadcastikng.	Approval of the films as specified in the Schedule therein.
	एस० ओ० 4326 दिनांक 24 अक्टूबर, 1969	सूचना और प्रसारण मंत्रालय	अनुसूची में दी गई फिल्मों को स्वीकृत करना।
362	S.O. 4327, dated 25th October, 1969.	Ministry of Home Affairs	Declaring the duty by every person serving in Kerala for a period of three months with effect from 25th October, 1969 as active duty.
363	S.O. 4328, dated 25th October, 1969.	Ministry of Industrial Development, Internal Trade and Company Affairs.	Appointment of a body of persons for making a complete investigation into the fall of production in respect of sugar manufactured by Messrs Ram Luxman Sugar Mills, Mohinddin pur, District Meerut.

Issue No.	No. and Date	Issued by	Subject
364	S. O. 4423, dated 27th October, 1969	Ministry of Foreign Trade and Supply.	Quality Control and preshipment inspection of non-baled Coir yarn.
365	S. O. 4424, dated 27th October, 1969.	Do.	Extending the tenure of the Coir, Board upto 30th November, 1969.
	एस० ओ० 4425, दिनांक 27 अक्टूबर, 1969	विदेशी व्यापार तथा आपूर्ति मंत्रालय	कुयर बोर्ड की अवधि को 30 नवम्बर 1969 तक बढ़ाना ।
366	S. O. 4426, dated 28th October, 1969.	Ministry of Foreign Trade and Supply.	Amendment to Notification No. S.O. 771, dated 6th March, 1965.
367	S. O. 4427, dated 29th October, 1969.	Central Board of Direct Taxes	The Income-tax (Fifth Amendment) Rules, 1969,
368	S. O. 4428, dated 29th October, 1969.	Ministry of Information and Broadcasting.	Approval of the films as specified in the Schedule therein.
	एस० ओ० 4429, दिनांक 29 अक्तूबर, 1969 ।	सूचना और प्रसारण मंत्रालय ।	अनुसूची में दी गई फिल्मों को स्वीकृत करना ।
369	S. O. 4430, dated 29th October, 1969.	Ministry of Foreign Trade and Supply	Amendment to Notification No. S. O. 2842, dated 23rd September, 1966.
	S. O. 4431, dated 29th October, 1969.	Do.	The Export of Coir Yarn (Inspection) Second Amendment Rules, 1969.
	S. O. 4432, dated 29th October, 1969.	Do.	Amendment to Notification No. S. O. 3134, dated 4th September, 1968.
370	S. O. 4433, dated 30th October, 1969.	Do.	Direction that the Order No. S. O. 3548, dated 17th December 1963, shall continue to have effect for a further period upto the 1st April, 1970.
	एस० ओ० 4434, दिनांक 30 अक्तूबर, 1969 ।	विदेशी व्यापार तथा आपूर्ति मंत्रालय ।	आदेश सं० का० आ० 3548 तरीख 17 दिसम्बर, 1963, द्वारा निदेश देना की आदेश का प्रभाव 1 अप्रैल, 1970 तक की आगामी अवधि के लिये बना रहेगा ।

Issue No.	No. and Date	Issued by	Subject
371	S. O. 4435, dated 30th October, 1969.	Ministry of Food, Agriculture, Community Development and Co-operation.	Declaring the Seed Testing Laboratory, Indian Agricultural Research Institute, New Delhi as the Cental Seed Laboratory with effect from the first day of October 1969, for the whole of India.
	एस० ओ० 4436, दिनांक 30 अक्तूबर, 1969 ।	खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय ।	बीज परीक्षण प्रयोगशाला, भारतीय कृषि अनुसन्धान संस्थान, नई दिल्ली को एतद् द्वारा पहली अक्तूबर, 1969 से समस्त भारत के लिये केन्द्रीय बीज प्रयोगशाला अधिघोषित करना ।
372	S. O. 4437, dated 1st, November, 1969.	Ministry of Foreign Trade and Supply.	Quality Control and preshipment inspection of Coir loop mats.
373	S. O. 4438, dated 1st November, 1969.	Ministry of Industrial Development, Internal Trade and Company Affairs.	Tranting recognition to the Madhya Pradesh Commercial Exchange Ltd., Akola for a further period of two years from the 2nd November, 1869 to the 1st November, 1871 in respect of for ward contracts in ground-nut oil
	एस० ओ० 4439, दिनांक 1 नवम्बर, 1969	औद्योगिक विकास, आन्तरिक व्यापार और कम्पनी कार्य मंत्रालय	मध्य प्रदेश कमर्शियल एक्सचेंज, लिमिटिड, अकोला को, 2 नवम्बर, 1969 से ले कर 1 नवम्बर, 1971 तक 2 वर्ष की कालावधि के लिये मूंगफली के तेल विषेयक अग्रिम संविदाओं की बाबत, मान्यता अनुदत्त करना ।
374	S. O. 4534, dated 4th November, 1969.	Ministry of Foreign Trade and Supply.	The Export (Control) Nineteenth Amendment Order, 1969.
375	S. O. 4535, dated 4th November, 1969.	Election Commission of India.	Bye-Election to the house of the People from 2 Ferozepur Parliamentary Constituency.
	एस० ओ० 4536 दिनांक 4 नवम्बर, 1969 ।	भारत निर्वाचन आयोग ।	2-फिरोजपुर संसदीय निर्वाचन क्षेत्र से लोक सभा के लिये उपनिर्वाचन ।
376	S. O. 4537, dated 6th November, 1969.	Ministry of Foreign Trade and Supply.	The Export of Frog legs (Inspection) Second Amendment Rules, 1969.

Issue No.	No. and Date	Issued by	Subject
377	S. O. 4539, dated 6th November, 1969.	Ministry of Information and Broadcasting.	Approval of the films as specified in the Schedule therein.
	एस० ओ० 4539, दिनांक 6 नवम्बर, 1969 ।	सूचना तथा प्रसारण मंत्रालय ।	अनुसूची में दी गई फिल्मों को स्वीकृत करना ।

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी । मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की मांगपत्रसे 10 दिन के भीतर पहुंच जाने चाहिएं ।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षामंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विधिक आदेश और अधिसूचनाएं ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 12th November 1969

S.O. 4713.—In exercise of the powers conferred by section 11 of the Wakf Act, 1954 (29 of 1954), read with the Notification of the Government of India in the Ministry of Law (Legislative Department) No. 12(11)/68-Waqf, dated the 3rd July, 1968, issued under sub-section (1) of section 72 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby appoints with immediate effect Begum Saleha Abid Hussain as a member of the Punjab Wakf Board, in the vacancy caused by the resignation of Dr. K. G. Saiyidain.

[No. 12(11)/68-Waqf.]

E. VENKATESWARAN, Dy. Secy.

विधि मंत्रालय

(विधायी विभाग)

नई दिल्ली, 12 नवम्बर, 1969

एस० ओ० 4713.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 72 की उपधारा (1) के अधीन निकाली गई, भारत सरकार, विधि मंत्रालय (विधायी विभाग) की अधिसूचना सं० 12 (11)/68 वक्फ तारीख 3 जुलाई, 1968 के साथ पठित वक्फ अधिनियम, 1954 (1954

का 29) की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा पंजाब वक्फ बोर्ड के सदस्य के रूप में बेगम सालिहा आबिद हुसैन को नियुक्ति, डा० के० जी० सैयदीन के पदत्याग से हुई रिक्ति में करती है जो तुरन्त प्रभावी होगी।

[सं० 12 (11)/68-वक्फ]

ई० वेंकटेश्वरन, उप सचिव।

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 19th November, 1969

S.O. 4714.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri R. R. Srivastava, Assistant in the Consulate General of India, Hamburg to perform the duties of a Consular Agent, with effect from the 17th October, 1969, until further orders.

[No. F. T.4330/7/69.]

P. C. BHATTACHARJEE, Under Secy.

MINISTRY OF FINANCE
(Department of Banking)

New Delhi, the 15th November 1969

S.G. 4715.—Statement of the Affairs of the Reserve Bank of India, as on the 7th November, 1969

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	20,30,01,000
		Rupee Coin	4,94,000
Reserve Fund	150,00,00,000	Small Coin	6,64,000
National Agricultural Credit (Long Term Operations) Fund	155,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	..
		(b) External	..
		(c) Government Treasury Bills	203,66,64,000
National Agricultural Credit (Stabilisation) Fund	35,00,00,000	Balances Held Abroad*	173,39,11,000
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	Investments**	83,31,35,000
		Loans and Advances to :—	
		(i) Central Government	..
		(ii) State Governments@	84,03,02,000
Deposits—		Loans and Advances to :—	
		(i) Scheduled Commercial Banks†	51,37,78,000
(a) Government—		(ii) State Co-operative Banks††	266,21,57,000
		(iii) Others	2,35,43,000
(i) Central Government	57,78,03,000		

(ii) State Governments	8,65,70,000	(a) Loans and Advances to :—	
		(i) State Governments	31,51,09,000
		(ii) State Co-operative Banks	16,15,12,000
		(iii) Central Land Mortgage Banks	
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	9,7 ,61,000
(i) Scheduled Commercial Banks	161,63,28,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	7,09,10,000	Loans and Advances to State Co-operative Banks	659,11,000
(iii) Non-Scheduled State Co-operative Banks	57,65,000		
(iv) Other Banks	20,45,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	244,98,65,000	(a) Loans and Advances to the Development Bank	6,26,71,000
Bills payable	38,14,46,000	(b) Investment in bonds/debentures issued by the Development Bank	
Other Liabilities	50,28,01,000	Other Assets	34,32,20,000
Rupees	989,35,33,000	Rupees	989,35,33,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

(a) Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary over-drafts to State Governments.

†Includes Rs. 15,73,70,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 12th day of November 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of November, 1969

ISSUE DEPARTMENT

LIABILITIES	Rs	Rs	ASSETS	Rs.	Rs.
Notes held in the Banking Department	20,30,01,000		Gold Coin and Bullion :—		
Notes in Circulation	3575,68,56,000		(a) Held in India	182,53,11,000	
			(b) Held outside India	..	
Total Notes issued		3595,98,57,000	Foreign Securities	261,42,00,000	
			TOTAL		443,95,11,000
			Rupee Coin		69 80,98,000
			Government of India Rupee Securities		3082,22,48,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		3595,98,57,000	TOTAL ASSETS		3595,98,57,000

Dated the 12th day of November, 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

New Delhi, the 20th November 1969

S.O. 4716.—Statement of the Affairs of the Reserve Bank of India as on the 14th November, 1969.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up	5,00,00,000	Notes	26,73,83,000
		Rupee Coin	3,95,000
Reserve Fund	150,00,00,000	Small Coin	5,99,000
National Agricultural Credit (Long Term Operations) Fund	155,00,00,000	Bills Purchased and Discounted :	
		(a) Internal	..
		(b) External	..
		(c) Government Treasury Bills	187,84,35,000
National Agricultural Credit (Stabilisation) Fund	35,00,00,000	Balances Held Abroad*	174,75,70,000
		Investments**	89,21,14,000
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	Loans and Advances to—	
		(i) Central Government	
		(ii) State Governments @	98,57,66,000

LIABILITIES	Rs.	ASSETS	Rs.
		Loans and Advances to :—	
Deposits :—		(i) Scheduled Commercial Banks†	36,10,85,000
(a) Government		(ii) State Co-operative Banks††	270,56,88,000
		(iii) Others	2,38,93,000
(i) Central Government	60,27,21,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
(ii) State Governments	7,96,32,000	(a) Loans and Advances to :—	
		(i) State Governments	31,49,89,000
(b) Banks		(ii) State Co-operative Banks	16,12,64,000
		(iii) Central Land Mortgage Banks	..
		(b) Investment in Central Land Mortgage Bank Debentures	9,74,61,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund:—	
(i) Scheduled Commercial Banks	162,69,23,000		
(ii) Scheduled State Co-operative Banks	6,59,73,000	Loans and Advances to State Co-operative Banks	6,58,57,000
(iii) Non-Scheduled State Co-operative Banks	57,65,000	Loans, Advances and Investments from National Industrial	
(iv) Other Banks	16,06,000	Credit (Long Term Operations) Fund:—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
(c) Others	241,71,36,000	(b) Investment in bonds/debentures issued by the Development Bank	..
Bills Payable	31,16,77,000	Other Assets	34,37,59,000
Other Liabilities	59,74,96,000		
Rupees	990,89,29,000	Rupees	990,89,29,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund but including temporary overdrafts to State Governments.

†Includes Rs. 12,38,70,000 advanced to scheduled commercial banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 19th day of November, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 14th day of November, 1969

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	26,73,83,000		Gold Coin and Bullion:—		
Notes in circulation	3607,98,09,000		(a) Held in India	182,53,11,000	
			(b) Held outside India	..	
Total Notes issued		3634,71,92,000	Foreign Securities	261,42,00,000	
			TOTAL		443,95,11,000
			Rupee Coin		68,52,63,000
			Government of India Rupee Securities		3122,24,18,000
			Internal Bills of Exchange and other Commercial paper		..
Total Liabilities		3634,71,92,000	Total Assets		3634,71,92,000

Dated the 19th day of November, 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

S.O. 4717.—In pursuance of clause (a) of sub-section (1) read with sub-section (4) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby appoints Dr. R. K. Hazari as a Deputy Governor of the Reserve Bank of India for a period of five years from the date on which he takes over charge as Deputy Governor.

[No. F. 3(49)-BC/69.]

K. YESURATNAM, Under Secy.

(Department of Revenue & Insurance)

CUSTOMS

New Delhi, the 29th November, 1969

S.O. 4718.—In exercise of the powers conferred by clause (b) of section 152 of the Customs Act, 1962 (52 of 1962), the Central Government hereby directs that powers exercisable by a Collector of Customs under section 122 of the said Act shall be exercisable also by the Deputy Collector of Customs and Central Excise, Goa.

[No. 157/F. No. 22/14/69-Cus. IV.]

M. G. ABROL, Jt. Secy.

CENTRAL EXCISE COLLECTORATE M. P. AND VIDARBHA

CENTRAL EXCISE

Nagpur, the 7th November 1969

S.O. 4719.—In exercise of the powers conferred upon me under Section 2(a) of the Produce Cess Act, 1966 (15 of 1966) read with Government of India Notification G.S.R. 834 dated 26th March, 1969, I, Shri Vipin Maneklal, Collector of Central Excise, M.P. and Vidarbha hereby authorise the Central Excise Officers specified in Column 2 of the subjoined table to exercise within their jurisdiction the powers of the "Collector" under the Produce Cess Act enumerated in column 1 thereof, subject to the limitations set out in column 3 of the said table.

TABLE

Section of Produce Cess Act	Rank of Officer	Lamitation if any
8(1)	(a) Superintendent of M. O. R. in whose jurisdiction the mills is situated	Full powers
	(b) The Inspector of Central Excise (in case of isolated ranges)	
9 (1) & (2) . . .	Jurisdictional Superintendent	Do.
12 (a) , (b), (c) . .	Jurisdictional Superintendent	Do.
13 (1) & 13 (2) .	C. Ex. Officer of and above the rank of Inspector	Do.
18	The Assistant Collector	Compounding of offences before the prosecution is launched.

[No. 3/69.]

Nagpur, the 15th November 1969

S.O. 4720.—In exercise of the powers conferred under Rules 15 and 16 of the Central Excise Rules, 1944, I hereby notify that the following further amendment shall be made in this Collectorate Notification No. 8/68 (Central Excise) dated, the 28th October, 1968.

(a) Aganist Sr. No. 36 (Ujjain District) the following shall be inserted:

All villages of Mahidpur and Badnagar Tehsils.

Bhatoni and Tukral villages of Tarana Tahsil.

(b) Against Sr. No. 42 (Chandrapur District) for village Mulunpeta please read Mobinpeta.

[No. 4/69.]

VIPIN MANEKLAL, Collector.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Petroleum and Chemicals)

New Delhi, the 11th November 1969

S.O. 4721.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites *No. NKG (Kadi-7) to Kadi-1* Well head installation in the Kalol Oil-Field, in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road; Near Central Workshop, Baroda. 4, in the Office of the Gujarat Pipelines Project (Oil and Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying pipeline from D.S. No. NKG (Kadi-7) to Kadi-1., Well head installation.

State—Gujarat Dist—Mehsana Taluka—Kadi

Village.	S. No.	Hectare.	Are.	P. Are.
Chalasan	49	0	40	47
,,	50/1 }	0	03	50
,,	50/2 }			
,,	51	0	13	15
,,	52	0	08	50
,,	52/1	0	13	15
,,	55	0	00	75
,,	53	0	10	12
,,	Cart Track.	0	00	50
,,	22	0	12	14

[No. 20/3/67-IOC/Lab. and Legis.]

S.O. 4722.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Sanand-15 to Flare Point in the Kalol Oil-Field, in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda, 4, in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Schedule of land to be Acquired for laying pipeline from Sanand-15 to Flare Point.

State—Gujarat District—Mehsana Taluka—Kalol

Village.	S. No.	Hectare.	Are.	P. Are.
Nasmed .	88/1	0	5	46

[No. 20/3/67-IOC/Lab. and Legis.(a).]

New Delhi, the 12th November 1969

S.O. 4723.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from D. S. SKB (Kadi-5) to G. G. S. at Kadi-4 in the Kalol oil-field, in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission, Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(For R.O.U. for laying pipeline from D.S. SKB (kadi-5) to GGS at Kadi-4

State—Gujarat Distt.—Mehsana Taluka—Kadi

Village 1	S. No. 2	Hectare 3	Are. 4	P. Are. 5
Adundro	1008	0	07	08
,,	1044/1	0	13	15
,,	1009	0	06	07
,,	1013	0	11	13
,,	1012	0	04	05

1	3	3	4	5
,,	1020	0	03	04
,,	1021	0	05	06
,,	1022	0	02	02
Laxmipura	261	0	10	12
,,	258	0	10	12
,,	257	0	17	20
,,	255	0	04	05
,,	256	0	07	08
,,	239	0	07	08
,,	247	0	03	04
,,	246	0	04	05
,,	245	0	04	05
,,	244	0	11	13
,,	201	0	04	05
,,	200	0	09	11
,,	197	0	02	05
,,	196/1 196/2	0	09	05
,,	198	0	03	04
,,	199/1	0	02	02
Kadi	1957	0	01	01
,,	1976	0	20	23
,,	1973	0	21	25
,,	1972	0	07	08
,,	1969	0	07	08
,,	2011/1	0	04	05
,,	2005	0	06	07
,,	2004	0	03	04
,,	2003	0	06	07
,,	2017	0	06	07
,,	2022	0	11	13
,,	2021	0	03	04
,,	2023	0	03	04

[No. 20/3/67-IOC/Lab. and Legis.]

M. V. S. PRASADA RAU, Under Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

CORRIGENDUM

New Delhi, the 29th October 1969

S.O. 4724.—Please substitute "Minimum" in place of "Maximum" in the last column of the Table in the Government of India Notification No. 4(20)/68-Seeds Dev. dated the 4th August, 1969 published in the Gazette of India Extraordinary Part II Section 3-Sub-Section (ii) dated the 9th August, 1969.

[No. 4(20)/68-Seeds Dev.]

B. R. KAPOOR, Under Secy.

MINISTRY OF EDUCATION AND YOUTH SERVICES

New Delhi, the 6th November, 1969

In the matter of the Charitable Endowments Act, 1890, and

In the matter of the Sarada Ranganathan Endowment for Library Science.

S.O. 4725.—Whereas an application has been made to the Central Government for vesting funds specified in the Schedule appended hereto in the Treasurer of Charitable Endowments for India, to be applied in accordance with the scheme, published with the Notification of the Government of India in the Ministry of Education No. S.O. 3371, dated the 27th November, 1963.

Now, therefore, in exercise of the powers conferred by section 4 of the Charitable Endowments Act, 1890 (6 of 1890) and upon application as aforesaid, the Central Government hereby orders that the said Fund shall vest in the Treasurer of Charitable Endowments for India to be held by him and his successor in office (subject to the provisions of the said Act and the rules framed thereunder from time to time by the Central Government) upon trust to hold the said Fund and the income thereof in accordance with the terms set out in the scheme set forth in Schedule B to the Notification of the Government of India in the Ministry of Education No. S.O. 3371, dated the 27th November, 1963.

THE SCHEDULE

1. A sum of Rs. 50,000 (Rupees fifty thousand only) made up of Rs. 27,416 redeemed from the original investment of Rs. 3,000 vested by Notification No. S.O. 3371, dated the 27th November, 1963 and Rs. 25,000 vested by the Notification No. S.O. 176, dated the 3rd June, 1966 and a further sum of Rs. 22,584, vested in Fixed Deposit—the total amount of the said Rs. 50,000 having been invested in Fixed Deposit with the Madras Industrial Investment Corporation Limited, Madras on 18th July, 1967.

2. A sum of Rs. 25,000 (Rupees twenty-five thousand only) remitted by the authorities of the Fund invested in Fixed Deposit with the Madras Industrial Investment Corporation Limited Madras on 13th December, 1966.

This supersedes the Ministry of Education Notification No. S.O. 4289, dated 25th October, 1967.

[No. F. 3-11/67-CAI(3).]

KANWAR LAL, Under Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Works, Housing and Urban Development)

New Delhi, the 18th November 1969

S.O. 4726.—In pursuance of clause (b) of section 2 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952), the Central Government hereby authorises the Special Land Acquisition Collectors at Pathankot and Jullundur in the State of Punjab to perform the functions of a competent authority under the said Act for the areas falling within their respective jurisdictions.

[No. F. 19014(2)/69-Pol.IV.]

S.O. 4727.—In exercise of the owers conferred by sub-section (1) of section 17 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952), the Central Government hereby directs that the powers exercisable by it under section 6, section 7, section 8 [except clause (b) of sub-section (1)] and section 13 of the said Act shall be exercisable also by the Special Land Acquisition Collectors, Pathankot and Jullundur, in the State of Punjab in respect of any property situated within their respective jurisdictions provided that powers

under the said section 8 in so far as it relates to fixing of compensation by agreement shall not be exercised except with the previous concurrence of the Central Government.

[No. F. 19014(2)/69-Pol.IV.]

V. P. AGNIHOTRI, Dy. Secy.

MINISTRY OF FOREIGN TRADE AND SUPPLY

OFFICE OF THE JOINT CHIEF CONTROLLER OF IMPORTS AND EXPORTS

(Central Licensing Area)

ORDER

New Delhi, the 7th November 1969

S.O. 4728.—Licence No. P/SS/1610363/C, dated 27th March, 1968 for Rs. 4574/- for Ball and Taper Roller Bearings was issued to M/s. Rattan Engineering Works, *Gali Masjid Loharan, G. T. Road, Batala* subject to the condition that all items of goods imported under it would be used only in their factory at the address shown in the application against which the licence was issued and that no portion thereof would be sold to any other party or utilised or permitted to be used in any other manner.

2. Thereafter, a show cause notice No. R-2/69/ENF/CLA/859 dated 23rd April, 1969 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government is satisfied that this licence will not serve the purpose for which it was granted in terms of Clause 9, sub-clause (cc) of Imports (Control) Order, 1955, as amended.

3. In response to the aforesaid show cause notice M/s. Rattan Engineering Works, Gali Masjid Loharan, G. T. Road, Batala sent no reply.

4. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9, sub-clause (cc) of the Imports (Control) Order, 1955, as amended hereby cancel the licence No. P/SS/1610363/C dated 27th March, 1968 for Rs. 4574/- for Ball Bearings and Tapper Roller Bearings issued in favour of M/s. Rattan Engineering Works Gali Masjid Loharan, G. T. Road, Batala.

[No. R-2/69/ENF/CLA/7590.]

RAM MURTI SHARMA,

Joint Chief Controller of Imports and Exports.

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS AND EXPORTS

ORDER

New Delhi, the 15th November 1969

S.O. 4729.—M/s. Westinghouse Saxby Farmer Pvt. Ltd., 17, Convent Road, Entally, Calcutta were granted an import licence No. G/RC/2086400, dated 9th November, 1967, for Rs. 905 for the import of relay valve type under S. No. 50/II, of the ITC Schedule. They have applied for issue of fresh licence in lieu of above mentioned expired licence which was valid upto 30th November, 1967. The above mentioned licence was not registered with any Customs house and remained fully unutilised.

In exercise of the powers conferred by clause 9 (cc) of the Import Trade Control Order No. 17/55, dated 7th December, 1955, as amended from time to time, the undersigned hereby cancels the import licence No. G/RC/2086400,

dated 9th November, 1967 for Rs. 905 (both Customs and Exchange Control copies) fully unutilised, issued in favour of the above mentioned firm.

[No. 19-W/Rly/67-68/GLS/562.]

H. R. MOHISINI,
Dy. Chief Controller of Imports & Exports.

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 20th November 1969

S.O. 4730.—In exercise of the powers conferred by sub-rule (1) of rule 9 of the Shipping Development Fund Committee (General) Rules, 1960, the Central Government hereby appoints Shri J. C. Jetli, IAS as Secretary of the Shipping Development Fund Committee with effect from 12-11-69 *vice* Shri C. R. Govindarajan.

[No. 35-MD(9)/69.]

H. C. KAKAR, Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY, AFFAIRS

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 18th November 1969

S.O. 4731.—In pursuance of sub-regulation (4) of Regulation 14 of the India Standards Institution (Certification Marks), Regulations, 1955 as amended from time to time, the Indian Standards Institution hereby, notifies that the licence, particulars of which are given below, has been cancelled with effect from 23rd May, 1969:

Licence No. and Date	Name and address of the licensee	Article/Process covered by the licence	Relevant Indian Standard
CM/L-1479 24-7-1967	M/s. British India Corpn. Ltd. Cooper Allen Branch, Civil Lines, Kanpur.	Miners' safety leather boots and shoes	IS:1989-1967 Specification for miner's boots and shoes (first revision)

[No. MDD/55:1479.]

Dr. A. K. GUPTA,
Dy. Director General (Marks).

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 14th November 1969

S.O. 4732.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, for a further period of one year upto and inclusive of the 30th September, 1970, every factory—

(a) which is engaged:—

(i) exclusively in one or more of the manufacturing processes specified in column 1 of the Table annexed hereto or any other manufacturing process which is incidental to on connected with any of the aforesaid processes, and

(ii) partly in one or more of the manufacturing processes aforesaid and partly in one or more of the manufacturing processes specified in the definition of seasonal factory in clause (12) of section 2 of the said Act, and

(b) which is situated in any area specified in the corresponding entry in column 2 of the said Table subject to the condition, if any specified in the coressponding entry in column 3 of the said Table, from the payment of the employer's special contribution leviable under Chapter VA of the said Act.

TABLE

Name of the manufacturing Process	Area where situated	Conditions
1	2	3
1. Redrying unmanufactured leaf tobacco.	Whole of India except the State of Jammu and Kashmir.	
2. Rice Milling	Whole of India except the State of Jammu and Kashmir.	
3. Cold Storage (with manufacture of Ice.)	Whole of India except the State of Jammu and Kashmir.	
4. Salt Manufacture	Do.	
5. Oil Mills	Do.	Provided that the process of oil milling is subsidiary to any other manufacturing process which is seasonal and so long as the number of employees engaged in oil milling is less than fifty.
6. Ice Manufacture	The States of Andhra Pradesh, Bihar, Haryana, Madhya Pradesh, Punjab, Rajasthan and Uttar Pradesh and the Union Territories of Delhi, Himachal Pradesh and Chandigarh.	

[No. F. 6(81)/68-HI.]

New Delhi, the 17th November 1969

S.O. 4733.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 22 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints the Regional Provident Fund Commissioner, Mysore, as the Secretary of the Regional Committee for the State of Mysore set up under the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2071 dated the 23rd May, 1969, published in Part II, Section 3(ii) of the Gazette of India dated the 31st May, 1969.

[No. 12/4/69-PF. II.]

DALJIT SINGH, Under Secy.

श्रम, नियोजन और पुनर्वास मंत्रालय

(श्रम और नियोजन विभाग)

नई दिल्ली, 17 नवम्बर, 1969,

का० आ० 4733—कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 22 के उप-पैरा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मैसूर के प्रादेशिक भविष्य निधि आयुक्त को, भारत के राजपत्र तारीख 31 मई, 1969, भाग 2, खण्ड 3 (ii) में प्रकाशित भारत सरकार के श्रम, नियोजन और पुनर्वास मंत्रालय (श्रम और नियोजन विभाग) की अधिसूचना संख्या का० आ० 2071 तारीख 23 मई, 1969 के अधीन मैसूर राज्य के लिए स्थापित प्रादेशिक समिति का, एतद् द्वारा, सचिव नियुक्त करती है ।

[संख्या 12/4/69-पी० एफ०-2]

दलजीत सिंह, अवर सचिव ।

(Department of Labour and Employment)

New Delhi, the 14th November 1969

S.O. 4734.—In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1943, dated the 25th May, 1968, namely:—

In the said notification, for words "Cantonment Boards", the following words shall be substituted, namely:—

"Cantonment Board, Poona".

[No. F. 8(2)/66-LWI. I (WE).]

New Delhi, the 19th November 1969

S.O. 4735.—In exercise of the powers conferred by section 8 of the Minimum Wages Act, 1948 (11 of 1948), read with rule 3 of the Minimum Wages (Central Advisory Board) Rules, 1949, the Central Government hereby makes the following further amendment to the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4523, dated the 2nd December, 1967, namely:—

In the said Notification, under the heading "Independent persons," for item 1 and the entries relating thereto the following item and entries shall be substituted, namely:—

"1. Shri T. S. Sankaran, Joint Secretary, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi—Chairman."

[No. 6(6)/69-LWI-I(WE).]

S.O. 4736.—In exercise of the powers conferred by section 9 of the Minimum Wages Act, 1948 (11 of 1948), read with rule 3 of the Minimum Wages (Central) Rules, 1950, the Central Government hereby makes the following amendment in the Notification of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3778, dated the 16th October, 1968, namely:—

In the said Notification, under the heading 'III Employees' Representatives' for entry '5' the following shall be substituted, namely:—

"5. Shri B. Choudhury, Assistant Secretary, Indian National Mine Workers Federation Bhatt-Ji-Ki-Bari Udaipur."

[No. 60(3)/69-WE.]

HANS RAJ CHHABRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 14th November 1969

S.O. 4737.—Whereas Shri S. Y. Wakhare was appointed as an Inspector of Mines subordinate to the Chief Inspector of Mines with effect from the 24th day of March, 1969;

And whereas the said S. Y. Wakhare has resigned from the said post of Inspector of Mines subordinate to the Chief Inspector of Mines and his resignation has been accepted with effect from the 1st day of April, 1969;

And whereas the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1681 appointing Shri S. Y. Wakhare to the post of Inspector of Mines subordinate to the Chief Inspector of Mines could not be published in the Official Gazette before the 25th day of April, 1969;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), and in partial supersession of the said notification No. 1681, dated the 25th April, 1969, the Central Government hereby appoints the said S. Y. Wakhare to the post of Inspector of Mines subordinate to the Chief Inspector of Mines for the period from the 24th day of March, 1969, to the 31st day of March, 1969, (both days inclusive).

[No. 8/44/69-M. I.]

CORRIGENDUM

New Delhi, the 21st November 1969

S.O. 4738.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 4301, dated the 17th October, 1969, published at page 4624 of the Gazette of India Part II-Section 3 Sub-section (ii) dated 25th October, 1969, in the Schedule, in the heading above column 3, *for* "Conditions attached to", *read* "Conditions attached to exemption."

[No. 6/4/69-MI.]

J. D. TEWARI, Under Secy.

(Department of Labour & Employment)

New Delhi, the 17th November 1969

S.O. 4739.—Whereas the Central Government, being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, (14 of 1947), [being the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2053, dated the 19th May, 1969] service in any oil-field, to be a public utility service for the purposes of the said Act for a period of six months from the 22nd May, 1969;

And whereas the Central Government is of opinion that public interest requires extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 22nd November, 1969.

[No. F. 1/78/69-LRI.]

New Delhi, the 20th November 1969

S.O. 4740.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the Cantonment Board, Dinapore and their workmen, which was received by the Central Government on the 14th November, 1969.

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3)
AT DHANBAD

REFERENCE No. 35 OF 1969

PRESENT:

Shri Sachidanand Sinha M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the Cantonment Board, Dinapore.

Vs.

Their workmen

APPEARANCES:

For employers—Shri A. Bhattacharya—*Executive Officer.*

For workmen—Shri B. Sarkar—*General Secretary.*

INDUSTRY: Cantonment Board STATE: Bihar.

Dhanbad, the 3rd of November 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Cantonment Board Dinapore and their workmen, by its order No. 9/15/68-LRIII dated the 21st May, 1969, referred under section 10(1)(d) of the Industrial Disputes Act 1947 to this Tribunal for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

"Whether the action of the Cantonment Board, Dinapore in terminating the services of Sri Suresh Chandra Singh, Overseer, with effect from the 11th September, 1968 was justified? If not, to what relief is he entitled?"

2. The General Secretary, Dinapore Cantonment Board Mazdoor Union, Dinapore filed written statement on behalf of the workman on 1st July 1969 and their rejoinder on 15th July 1969. Their case is that the concerned workman Sri Suresh Chandra Singh was appointed as Overseer in the office of the Cantonment Board on probation for six months by letter dated 16th November, 1967. On 31st May, 1968 Sri Suresh Chandra Singh was asked to explain why action should not be taken against him for his not attending and submitting with respect to unauthorised construction. He submitted his explanation on 4th June 1968 denying the allegation. On 12th May, 1968 Suresh Chandra Singh again received a charge sheet, on the allegation that he was negligent on his duties and he gave reply to it denying the allegation on 14th June 1968. Again on 18th July, 1968 he was served with another chargesheet on the allegation that he did not check the deviations. He by the letter dated 20th July, 1968 denied the charge levelled against him. The contention of the Union is that without holding any enquiry into the aforesaid charges, the Executive Officer dismissed Suresh Chandra Singh by letter dated 6th September, 1968 with effect from 11th September, 1968. According to the Union the order of termination is actually an order of dismissal and is passed in order to victimize Sri Suresh Chandra Singh, the concerned workman for his trade Union activities. No enquiry was held to prove the charges levelled against Sri Suresh Chandra Singh and the order of termination is *mala fide* arbitrary, illegal and was done to victimise the concerned workman and therefore, the order of termination dated 6th September, 1968 is bad in law and fit to be set aside. It was therefore, prayed that the concerned workman Sri Suresh Chandra Singh be reinstated with all back wages.

3. The management filed written statement on 7th July, 1969 and rejoinder on 15th July, 1969. Their case is that Sri Suresh Chandra Singh was appointed as an

Overseer on probation for six months with an agreement that during probation/ temporary service, his services could be discharged by giving 4 day's notice on either side. The services of Sri Suresh Chandra Singh were found most unsatisfactory during the period of his probation of six months and he was apprised of the same before the expiry of probation period. He was all along found to be negligent in his duties during the period of his probation and therefore, his service was not before the expiry of probation period. he services of Sri Suresh Chandra Singh continued to be on probation even after expiry of the aforesaid six months period. On several occasions he was served with show cause notice in order to improve his efficiency but to no effect rather he continued neglecting his duty entrusted upon him and as such there was no other alternative left with the Board than to terminate his service in terms and conditions of the appointment order which was binding on the employee. When his work was found to be most unsatisfactory, and that he could not be made amenable to discipline in spite of repeated warning, there was no option left with the employer than to terminate his service in pursuance of the agreement and there is no question of victimising the employee. The discharge of the employee in pursuance of the terms of agreement and during the period of probation is valid and as per rules. The appeal of the employee under Rule 13 of the Cantonment Fund Servants Rules 1937 was considered by the Board on 31st January 1969 and it was resolved that on merit of the case, the appeal be rejected. The order of termination of his service was in term of the agreement and the question of his reinstatement in the service of the Board does not arise.

4. The management examined one witness and also filed 7 items of documents and they are marked Ext. M-1 to M-7. The Union examined two witnesses and also filed 10 items of documents which are marked Ext. W-1 to W-10.

5. The point for consideration is whether the action of the Cantonment Board in terminating the service of Sri Suresh Chandra Singh with effect from 11th of September, 1968 was justified?

6. At the time of hearing a point of law was raised on behalf of the employer, the Cantonment Board on the point of maintainability of the reference.

7. Ext. W. 7 is the order of termination of service. His service was terminated with effect from the 11th of September, 1968 by the Cantonment Board Executive Officer, Dinapore Cantonment Board. Ext. M-5 is the letter dated nil of the General Secretary, Dinapore Cantonment Board's workers Union addressed to the Assistant Labour Commissioner. By this letter the union raised the dispute with the Assistant Labour Commissioner. From Ext. M-4 the letter from the Assistant Labour Commissioner (failure report) it appears that this letter was received in the office of the Assistant Labour Commissioner on 7th October, 1968. It was urged before me that the representation before the Assistant Labour Commissioner was against the action taken by the Executive Officer and not by the Cantonment Board which was a separate entity. It was submitted before me that at the time of representation was made to the Assistant Labour Commissioner there was no cause of action against the Board and on that date there was no material before the authorities to question the action taken by the Cantonment Board. On the date the action was taken by the Assistant Labour Commissioner the grievance of the employee was against the action taken by the Executive Officer and not against any action taken by the Cantonment.

8. It is to be noted that simultaneously with the representation before the Assistant Labour Commissioner against the action taken by the Executive Officer, the employee made an appeal before the Cantonment Board under Rule 13 of the Cantonment Fund Servants Rule 1937. Ext. M-7 is the Cantonment Board's resolution dated 31st January, 1969. The Board considered the appeal on the merits of the case and unanimously resolved that the appeal of Sri Suresh Chandra Singh be rejected. This resolution was passed on 31st January, 1969. The order of termination of service of Sri Suresh Chandra Singh was confirmed by the Cantonment Board on 31st January 1969 and the present reference is made on 21st May, 1969. At the time the reference was made by the Central Government the grievance of the employee Sri Suresh Chandra Singh was against the Cantonment Board which confirmed the decision of the Cantonment Executive Officer and the final order terminating the service was that of Cantonment Board. On the date of the reference by the Central Government the grievance of the employee Sri Suresh Chandra Singh was against the action taken by the Cantonment Board and not against any action taken by the Cantonment Executive Officer. Therefore, on the date of the reference the cause of action was against the Cantonment Board. As such the present reference is legally maintainable.

9. Coming to the facts of the case the most important issue for consideration is whether the termination of the services of the concerned workman Sri Suresh Chandra Singh, Overseer by the Cantonment Board is justified?

10. According to the Cantonment Board the concerned workman Sri Suresh Chandra Singh was discharged in persuance of the terms of the agreement and during the period of probation and as such the termination of service was a discharge simpliciter and is valid and justified. The first point urged on behalf of the workman was that the concerned workman Sri Suresh Chandra Singh worked as an Overseer in the Board for more than six months and thus his service became automatically permanent in the board. Ext. M-1 is the appointment letter dated 16th November, 1967 and the terms of employment are set out in that letter. The relevant extract from that letter is given below:—

"You are hereby appointed as Overseer in the office of the Cantonment Board, Dinapore (16th November, 1967). You are therefore, given this offer of appointment subject to the following conditions:—

(i) Your services will be on probation for the period of 6 months which can be extended to one year.

(ii) After the satisfactory completion of the probationary period, you may be confirmed to the post.

(iii) Your service will be governed by Cantonment Fund Servant Rule, 1937 and allied rules and orders applicable to Cantonment Fund Servants.

(iv) During probation/temporary service your services can be discharged by giving 4 day's clear notice on either side."

11. The nature and incidents of service of probationer has been laid down by the Supreme Court in the case of Express Newspapers Ltd. *Vs.* Labour Court, Madras. The position in law as regards the nature and incidents of service of probationer is as under:—

"At the end of the period of probation, the employer can either confirm the probationer in his service or terminate his service if it is found unsatisfactory. If no action is taken by the employer either by way of confirmation or by way of termination, the employee continues to be in service as a probationer. It can not be contended that if at the end of the period of probation the employer does not make an order of confirmation, there would be automatic termination of the probationer's service. The employee appointed on probation continues in service as a probationer even after the period of probation if at the end of that period his services have either not been terminated or he is confirmed."

12. Therefore, in the instant case the concerned workman Sri Suresh Chandra Singh continued as a probationer on the relevant date.

13. According to the Cantonment Board the discharge of the concerned workman Sri Suresh Chandra Singh was in persuance of the agreement which he had accepted and therefore, the discharge of the employee in pursuance of the terms of agreement and during the period of probation was valid. The stand taken by the Union is that as many as three chargesheets dated 31st May 1968, 12th May 1968 and 18th July 1968 were served on the concerned workman. According to the Union the concerned workman replied to the chargesheet s denying the charges. But the Cantonment Board within holding any enquiry into the aforesaid charges terminated the service of the concerned workman with effect from 11th September 1968. According to the Union the aforesaid order of termination is actually an order of dismissal. Therefore, the main contention of the Union is that no enquiry was held to prove the charges levelled against the concerned workman Sri Suresh Chandra Singh and as such the order of termination dated 6th September 1968 was invalid in law and fit to be set aside. Ext. W-7 is the order of the termination of service of the concerned workman Sri Suresh Chandra Singh. The grounds of termination of service were set out in the aforesaid letter dated the 6th of September, 1968. The relevant extract from that letter (Ext. W-7) is given below:—

"Sri Suresh Chandra Temporary Overseer, Cantonment Board, has not replied to following chargesheets so far.

1. Notice No. 87 dated 31st May, 1968.
2. Notice No. 1140/PF dated 12th June, 1968.
3. Notice No. 1430/PF dated 18th July, 1968.

This establishes his acceptance of his guilt. It is opined that his retention in services is prejudicial to Cantonment administration. His services are therefore, terminated with effect from 11th September, 1968."

14. The question of the employer's freedom of contract in the context of industrial adjudication was considered by the Supreme Court in Rai Bahadur Dewan Badri Das *Vs.* Industrial Tribunal. Gajendragadkar, J. speaking for the majority said : "The doctrine of absolute freedom of contract has thus to yield to the higher claims for social justice.... the right to dismiss an employee is also controlled subject to well-recongnised limits in order to guarantee security of tenure to industrial employees". The Supreme Court in Provincial Transport services, *Vs.* State Industrial Court A.I.R. 1963 S.C. 114—1962-2 L.L.J. 360 held that even when the workman is only a temporary workman whose service can be terminated at any time, if he is to be dismissed or discharged as a punishment for some misconduct, the order of dismissal must be preceded by a regular enquiry : otherwise the dismissal is illegal. In that case their Lordship observed "It is no longer open to the industrial employer to contend that under the ordinary law of contract between master and servant it is within his power to terminate the service of a temporary workman for a misconduct committed by him without holding any enquiry, or that the order of discharge was passed in accordance with the terms of the contract of employment.

Even when under the terms of the letter of appointment a person is appointed as a workman on a temporary basis and his service is liable to be terminated at any time during period of appointment without assigning any reason, if the workman is to be dismissed on the ground of his having committed some grave misconduct in the discharge of his duties, a proper and fair enquiry must precede the order of dismissal and it must be shown at the conclusion of the enquiry that the workman had been found guilty of misconduct deserving the punishment of dismissal."

15. In the instant case we find that the Cantonment Board served three charge-sheets against the concerned workman Sri Suresh Chandra Singh. According to the Union the concerned workman did submit his reply to the charge sheets denying the charges. But the fact remains that the Cantonment Board did not hold any enquiry in order to substantiate the charges levelled against the concerned workman. The facts in this case go to show that the employer Cantonment Board terminated the service of the concerned workman Sri Suresh Chandra Singh, Overseer by way of punishment. The mind of the employer, the Cantonment Board was weighed by the allegations of misconduct on the part of the employee. Under such circumstances it is but fair and just that the Cantonment Board should have given proper opportunity to the workman to explain his conduct by holding a regular enquiry. Therefore, in no view of the case it can be said to be a case of discharge simpliciter. The Standing Order No. 8(1)(2) and Rule 11-A(1) of the Cantonment Board also points out to the same direction.

16. I therefore, hold that the action of the Cantonment Board, Dinapore in terminating the service of Sri Suresh Chandra Singh, Overseer with effect from the 11th of September, 1968 was not justified. He is therefore, entitled to be reinstated with full back-wages from the date of his termination of service upto the date of reinstatement along with continuity of service.

17. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

[No. F. 9/15/68-LRIII (LRI).]

ORDER

New Delhi, the 19th November 1969

S.O. 4741.—Whereas the Central Government is of opinion that an industrial disputes exists between the employers in relation to the Indian Airlines and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, No. 1, Bombay, constituted under section 7A of the said Act.

SCHEDULE

"Whether the demand of the Indian Aircraft Technicians Association for an additional increment at the 13th stage in the scale of pay of Aircraft Technician, in the Indian Airlines is justified? If so, what relief are they entitled to and from what date?"

[No. 16/12/68-LRIII.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 17th November 1969

S.O. 4742.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Cochin Port Trust, Cochin and their workmen, which was received by the Central Government on the 28th October, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

REFERENCE No. CGIT-2/1 OF 1969

Employers in relation to cochin port trust, cochin

AND

Their Workmen

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the Employers—Shri K. V. R. Shenoi, Advocate.

For the Workmen—Shri M. K. Raghavan, President, Cochin Thuramugha Thozilali Union, Cochin.

INDUSTRY: Ports and Docks STATE: Kerala.

Dated the 13th October, 1969

AWARD

By order No. 29/47/68-LRIII dated 27th January 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), referred to this Tribunal for adjudication, an industrial dispute, existing between the employers in relation to the Cochin Port Trust, Cochin and their workmen represented by Cochin Thuramugha Thozhilali Union, Cochin, in respect of the matter set forth in the Schedule, mentioned below:—

SCHEDULE

"Whether the demand for changing the 'roster off' system to giving Sunday off as the weekly day of rest in respect of Gr. II Supervisors and Markers, Sorters and Checkers, is justified?"

2. Shri A. A. Kochunny, Secretary, Cochin Thuramugha Thozhilali Union, has filed a statement of claims on behalf of the employees at Ex. 1/W on 11th March, 1969. According to the Union,

(i) The Traffic Department is comprised of and assisted by the following junior executives for the day to day performance of the shift work, *viz.*,

i. Asstt. Wharf Superintendent,
ii. Shed Foreman
iii. Asstt. Shed Foreman
iv. Tally Supervisors
v. Lock Fast Clerks
vi. Gate Inspectors
vii. Gate Clerks
viii. Shed Writers
ix. Shed Clerks
x. Peons
xi Markers among Lascars
xii. Lascars
xiii. Foreman Porterage
xiv. Asstt. Foreman Porterage
xv. Labour Supervisors Grade I
xvi. Labour Supervisors Grade II
xvii. Markers/Sorter/Checker.

Out of the above seventeen categories of the executives, only Labour Supervisors Grade II and the Markers/Sorters/Checkers numbering about 139 are covered by the roster off system. All other categories of staff numbering about 650 either avail Sunday as weekly off day or in case they are booked for work on such Sundays, they are granted a day off in lieu of holiday work done alongwith the extra overtime remuneration also.

(ii) Apart from the abovementioned sanctions of the executives in the Traffic Department, hospital staff, crane staff, sanitary staff etc. under the Port Trust (where Sunday allocation of work is necessary) are given Sunday weekly off in general. When their services are required on Sunday, they are given another day off in the week and half day's wages extra. But the Grade II Supervisors and Markers/Sorters/Checkers are not given the privilege of getting extra remuneration for the work done on Sundays. This amounts to unfair and unjust discrimination. The same should be removed.

(iii) Sunday is an international holiday. It is, therefore unfair on the part of the administration to compel the employees to perform their duties invariably on all Sundays of the year, except when the roster off day happens to fall on a Sunday. If a minimum number of staff to cope with the work on Sundays is posted and given the benefit of extra remuneration (as is given in numerous other departments and sections) it is possible for the Port to carry on the work according to requirements and to give Sunday off to the bulk of the employees very often than rare. Roster off system in respect of these employees should be abolished, and Sunday off be given.

3. The Secretary, Cochin Port Trust has filed written statement at Ex. 1/E on 14th March, 1969 on behalf of the employers in relation to Cochin Port Trust. According to the Secretary of the Cochin Port Trust:—

(i) The work at the Porterage Executive Section is done in two shifts every day. The working hours of the two shifts are as follows:—

Day Shift: 8 A.M. to 12 NOON, 1 P.M. to 5 P.M.

Night Shift: 6 P.M. to 10 P.M., 11 P.M. to 3 A.M.

This work goes on throughout the year, every day, including Sundays. The work of the Porterage workers is to be supervised by the Grade II Supervisors. It is essential that these Supervisors should be available for supervision during the time the porterage labour workers are working. It is also necessary that the Markers/Sorters/Checkers should be available at that time, as they are to work at the time the porterage workers are working. Hence, they have to be given off in a staggered basis.

They can not be given off on the same day. If all of them are given off on the same day, these categories of employees will not be available for work, when the Porterage Labour-workers work, on Sundays. All these persons get one weekly day off as in the case of the Porterage labour. There are many other employees in the Port, who get their off on the same basis.

(ii) As the work of the Grade II Supervisors Markers/Sorters/Checkers is directly connected with the work of the Porterage labour it is necessary that they should get their weekly off in the same manner as the Porterage labour. The Roster off is changed once in three months involving change in the days in which the weekly off is given to particular employees. The men concerned have enough notice of the days off arranged for them each week and they would, therefore be able to arrange their affairs in such a way as to make the use of the off day.

(iii) The system of giving off days in this manner is prevalent in almost all industrial establishments where work is continuously done every day including Sundays. This is the only way, in which the off day can be given. There is absolutely no merit in the demand and the same be rejected.

4. The Secretary Cochin Port Trust has filed rejoinder at Ex. 2/E on 8th April, 1969. According to the Secretary of the Cochin Port Trust:—

(i) The various other categories of staff in the wharf section, under the Traffic Department attend to landing and shipping operations and other duties such as delivery and receiving of cargo, bonding, documentation etc. The work relating to other duties is restricted to day times on working days only, whereas there is no such restriction in respect of landing and shipping operations. On account of this the other categories of staff in the wharf can be conveniently allotted for any work required on Sundays, giving them off on subsequent days. The requirements of such staff, will be very limited. But in the Porterage Section, the extra work is connected with landing and shipping operations. Grade II Supervisors and Markers/Sorters/Checkers have to work alongwith the gangs. In view of this, they have to be distributed uniformly for all the seven days of the week, throughout the year.

(ii) Out of the seventeen categories of the employees mentioned in paragraph 4 of Ex. 1/W, only the last two have to work alongwith gangs. As regards the Shed Clerks (category No. ix), they have to work alongwith the gangs but it is only part of their work. They attend to work in connection with import tally, receiving of cargo, maintenance of registers for export cargo, manifestation, office work etc. Only a limited number of them will be required on Sundays for the work in connection with landing operations only as the other duties which they attend on normal days will not have to be looked after on Sundays. Hence only the limited number of shed clerks are required on Sunday. They can be conveniently given off on subsequent days without any dislocation in the work. In the case of most of the categories like Assistant Wharf Superintendent, Shed Foreman, etc. the work involved is overall supervision and in case it is found that any of them is required on a particular Sunday, it can be conveniently arranged. The main distinction is that in the case of Grade II Supervisors and Markers/Sorters/Checkers the number required is the same every day including Sundays and therefore the only way it can be arranged is by having the roster off system.

(iii) The reuirements of hospital staff and sanitary staff on Sundays are less than on normal days. They attend only to emergent cases on Sundays and therefore the number required is considerably less than what is required on week days. In the case of Electric Cranes the number that is to work on Sundays, is restricted and it is possible to use the Ship's derricks instead Roster off system is followed in cases when uniform type of work is available on all days including Sundays throughout the year. Such system is followed in sections in the Engineering Deparment i.e. the Mobile Crane Section, Electricians and switch board operators. Roster off system is also in vogue in the Marine Department, Security Department and Fire Service Department of the Port.

(iv) There is no discrimination whatever in arranging work in this fashion. In any establishment when work is done uniformaly on all days of the week including Sundays, this system is followed.

It is not correct to state that with the existing number of Grade II Supervisors and Markers/Sorters/Checkers, it will be possible to have any other system under which the work can be done equally efficiently.

(v) Sunday is not an international holiday. The amount of work on Sundays in landing and shipping section is as much as on other days of the week. It is therefore not possible to allot what the Union calls the

minimum number of staff to attend to the work on Sundays. Even when statutory weekly day off is required the obligation is only to give one day off and not necessarily Sunday as the day off. The Union's demand be therefore rejected.

5. The Secretary, Cochin Thuramugha Thozhilali Union has filed replication at Ex. 2/W, on 2nd July 1969. According to the Union:

(i) The employees in the Traffic Department of the Port Trust are getting overtime salary for Sunday work in addition to a compensatory off day. The only categories not getting the same are Supervisors Grade II and the Markers/Sorters/Checkers. It is incorrect and illogical to state that the work in the Porterage Section as far as these two categories are concerned is peculiar in nature. The work of Fireman, Assistant Fireman, and Supervisor Grade I is interconnected with the work of Supervisor Grade II and the Markers/Sorters/Checkers. It is incorrect to say that the utilisation of other categories for shipping and landing operation is limited. Their services are required in any week days.

(ii) It is not correct to say that the two categories only *i.e.* Supervisors Grade II and the Markers/Sorters/Checkers have to work with the gangs. The Foreman, Assistant Foreman, Supervisor Grade I, Daily Supervisors, Crane Drivers etc. are all working simultaneously on Sundays alongwith the gangs and they are allowed overtime wages in addition to weekly off. The work of the Shed Clerk is also similar. While the Shed Clerk is attending the work connected with export cargo, the Markers/Sorters/Checkers category is atending the work connected with export cargo and the Shed Clerk is getting overtime salary for Sunday, whereas it is denied to the Markers/Sorters/Checkers.

(iii) The apprehension of the Port Trust authorities that if the Roster off system is not followed, there will be dislocation of work is misplaced.

(iv) It is incorrect to state that in the Mobile Crane Section overtime salary is not paid for Sunday work. The employees in the Marine Section are also getting overtime for Sunday work. Not only the workers in these two sections are getting overtime wages for Sunday work but all the workers engaged by the Port Trust for Sunday work are given overtime wages. It is also submitted that even if the Roster off system is there, the Port Trust has to give overtime wages for Sunday work.

(v) The Supervisor Grade II and the Marker/Sorter/Checker categories are discriminated by the Port Trust in the matter of overtime salary on Sunday. The discrimination is arbitrary and at the same time not based on reasonable grounds.

(vi) It is not correct to say that on Sundays Ship Derricks, in placed of Cranes are utilized. Cranes are also used on Sunday like any other day.

(vii) As the Port is to function even on Sunday, privilege of enjoying Sunday has to be denied, offering sufficient compensatory attraction. If the attractive terms could be offered to the section of the employees why it should not be given to other categories as well. On a declared holiday, the workmen are eligible to get additional holiday wages. Hence the argument of convenience and conventions put forth by the Cochin Port Trust are with a view to treat certain categories of employees differently. This discrimination be therefore, removed accepting the demand of the employees.

6. The Union has examined 5 witnesses on behalf of the employees as mentioned below:—

(i) Shri G. Chandrasekharan Pillai, Foreman (Ex. 3/W).

(ii) Shri T. K. Sangameswara Iyer Grade I, Supervisor (Ex. 4/W).

(iii) Shri K. R. Manoharan, Mobile Crane Driver (Ex. 5/W).

(iv) Shri K. Narayanan Nair, Forklift Driver (Ex. 6/W).

(v) Shri M. K. Raghavan, President of the Union (Ex. 7/W).

and produced statement Ex. 8/W regarding requisition of Electric Cranes, Forklifts, Derricks by the Wharf Superintendent dated 20th September, 1969.

7. The Port Trust has examined two witnesses on its behalf as metioned below:—

(i) Shri P. V. Nanappan, Dy. Traffic Manager (Ex. 5/E):

(ii) Shri V. M. S. Panikkar Sergent, Security Department (Ex. 6/E):

and produced attendance register of Mobile Crane Drivers etc. at Ex. 3/E and list showing duties and responsibilities of Porterage staff executive at Ex. 4/E.

8. Shri M. K. Raghavan, The President of Cochin Thuramugha Thozhilali Union, on behalf of employees contends in his arguments, before me as follows:—

(i) There will no dislocation or stoppage of work on Sunday, even if the Roster off system is discontinued and Supervisors Grade II and Markers/Sorters/Checkers are booked for Sunday.

(ii) To avoid discrimination and injustice to 152 men (*i.e.* 38 Grade II Supervisors and 114 Markers/Sorters/Checkers) Roster off system be removed and they be booked for Sunday, if necessary.

(iii) Shed Clerks work with manual labourers, who are on Roster off system. They enjoy Sunday off but Supervisors Grade II and Markers/Sorters/Checkers working with manual labourers and supervising their work are not allowed Sunday off. This amounts to discrimination.

(iv) Employees in Hospital are not covered by Roster off system, although the work in the Hospital is of essential nature and cannot be stopped on Sundays.

(v) It is not correct to say that Port work will come to a standstill if Roster of system is discontinued. This contention of the Port Trust is fantastic.

(vi) The Port Trust has not examined any witness from the Engineering Department to prove the documents, produced in the Court. Hence no reliance be placed on them.

(vii) The employers have not produced the documents to prove facts, and contentions raised in Ex. 1/E and 2/E. It was possible for the employer to produce record maintained in regular course of business, but no such record was produced. The employer has not examined competent witnesses to speak on behalf of the departments concerned to prove the case. It has therefore failed to prove the contentions raised in Ex. 1/E and 2/E.

(viii) The employees on the other hand have proved their case by examining Supervisors (Mobile Crane Driver, Forklift Driver, Crane Driver and Grade I Supervisor) showing that those supervisors are not covered by Roster off system.

(ix) Engagement of Crane Drivers is not less even on Sunday. Crane Driver is booked for Sunday and made to work, though he is not on Roster off system.

(x) The Union's demand is just and fair. The same be granted.

9. The learned Advocate Shri K. V. R. Shenoi for the Cochin Port Trust has urged in his arguments before me as follows:—

(i) If the Roster off system is not continued, the work in the Cochin Port Trust (*i.e.* of loading and unloading of cargo) will get dislocated, if not altogether stopped.

(ii) How work should be arranged and carried out is known actually to the employer only. He has got a right to have the first say on it. Unless compelling reasons are made out by the workers the Tribunal should not interfere in the present system.

(iii) If the work of the Porterage labour is to go on smoothly, it is necessary that there should be presence of Grade II Supervisors and Markers/Sorters/Checkers. It is a question of must.

(iv) Deputy Traffic Manager is the person who meets workers daily in the office. He is the most competent person to speak about things spoken by him.

(v) If the Roster off system is discontinued, it wil leither lead to retrenchment of about 50 employees or the employer would be compelled to keep 50 persons more, who would get work only on Sunday.

(vi) Roster off system is followed where the work is of continuous nature and where it cannot be stopped on Sunday. Roster off system is in existence since 1959. The work can be harmoniously arranged if the Roster off system is continued.

10. From the statement of demands of the parties and the arguments advanced before me, the following points arise for decision in this reference.

(i) Whether Roster off system in respect of Grade II Supervisors and Markers/Sorters/Checkers should be discontinued ?

(ii) Whether Grade II Supervisors and Markers/Sorters/Checkers should be given half day's additional wages and another day off, for working on Sunday ?

(iii) Whether the demand of these employees is justified ?

(iv) What order ?

11. My findings are as follows:—

(i) Yes.

(ii) Yes.

(iii) Yes.

(iv) As per order.

12. *Point Nos. i, ii and iii.*—The learned Advocate Shri Shenoi for the Cochin Port Trust mainly relies on the evidence of Shri P. V. Nanappan, Dy. Traffic Manager, Cochin Port Trust in support of the various contentions raised by the employer. I will, therefore refer to the evidence of Shri Nanappan Ex. 5/E in brief. According to Shri P. V. Nanappan :

(i) The work of loading and unloading of cargo in Cochin Port Trust is carried on all the days including Sundays. The Porterage Labour workers work on Sundays in the same manner in which they work on other days. Grade II Supervisors and Markers/Sorters/Checkers work on Sundays alongwith the Porterage Labour. It is necessary for them to work alongwith Porterage workers every day. Grade II Supervisors supervise the work of Porterage Labour directly. Markers/Sorters/Checkers also supervise the work at each hook point. The porterage labour are on Roster off system. The Grade II Supervisors and Markers/Sorters/Checkers are also on Roster off system.

(ii) If the Roster off system in respect of Supervisors Grade II and Markers/Sorters/Checkers is changed there would be dislocation of work *i.e.* loading and unloading of ships in the Port. Loading and unloading of Ships in the Harbour at Cochin is going on all days including Sundays with the same intensity. The number of staff *i.e.* Grade II Supervisors, Markers/Sorters/Checkers and Porterage Labour required on Sundays and other days is the same. If Sunday is given off to Grade II Supervisors and Markers/Sorters/Checkers, the landing and shipping operation on Sunday will have to be stopped. In order to avoid this, they have to work on Sundays.

(iii) There are other establishments where the Roster off system is prevailing. In the Cochin Dock Labour Board, where the workers are doing similar work *i.e.* loading and unloading operation, the workers are on Roster off system. The operational staff in the Fertilizers and Chemicals Travancore Ltd., which is a Public Sector Industry, is also on Roster off system. The Labourers and Porterage staff in the Madras Harbour are also on Roster off system.

(iv) Out of the categories 1 to 17 mentioned in para 4 of the Ex. 1/W, categories numbers 1 to 15 in order are not on Roster off system. Their requirements on Sunday are very much less as compared to other days in a week. As regards the requirements of Grade II Supervisors and Markers/Sorters/Checkers, they are the same on every day in a week including Sunday.

13. The learned Advocate Shri Shenoi for the Cochin Port Trust further contends that if the Roster off system in respect of Grade II Supervisors 38 in number and Markers/Sorters/Checkers 114 in number is not continued the work of the Port *i.e.* loading and unloading cargo, will get dislocated if not altogether stopped. This contention is misconceived.

14. It is not the case of the employees that the work of loading and unloading cargo at Cochin Port Trust on Sunday should be stopped. What they say is that

sufficient number of Grade II Supervisors and Markers/Sorters/Checkers should be booked for Sunday, giving Sunday off to the remaining workers and discontinuing Roster off system. If sufficient number of Grade II Supervisors and Markers/Sorters/Checkers is booked for Sunday, there would be no dislocation of work. They will work alongwith the Porterage Labour as usual, Supervising their work.

15. It appears from Shri Nanappan's re-examination (page 7 Ex. 5/E) that the total staff of Grade II Supervisors and Markers/Sorters/Checkers is divided into three equal groups. One group will be working during the day shift and the other group will be working during the night shift. The third group will be on off duty. The third group looks after the off days and for leave reserves.

16. It is contended that if the whole staff of Grade II Supervisors and Markers/Sorters/Checkers is required for work on Sunday, how can the Roster off system be discontinued ? This difficulty pointed out by the learned Advocate for the Cochin Port Trust, on the basis of the statement of Shri P. V. Nanappan, Dy. Traffic Manager of the Cochin Port Trust is not difficult to overcome. The port Trust authorities can book almost all the staff in question for work on Sunday, if necessary. The Grade II Supervisors and Markers/Sorters/Checkers are not unwilling to work on Sunday, if they are given half day's additional wages and another day off for working on Sunday as is given to other Supervisory staff, which is not on Roster off system.

17. Shri Nanappan says in his re-examination (page 8 Ex. 5/E) that if the Roster off system is discontinued one of the three courses will have to be followed, *viz.*,

(i) There should be no work on Sunday (which is not possible).

(ii) If the whole staff in question is given Sunday off, separate set of Grade II Supervisors and Markers/Sorters/Checkers will have to be employed for working on Sunday only. They will have no work on other days, as it will not be possible for the Port authorities to give any work.

(iii) If the existing strength of Grade II Supervisors and Markers/Sorters/Checkers is to be utilized for the existing two shifts, then there will be excess of Grade II Supervisors and Markers/Sorters/Checkers. He also says that only practical course is to continue the Roster off system.

18. I am unable to accept the view of Shri Nanappan referred to above. If almost all Grade II Supervisors and Markers/Sorters/Checkers are booked for Sunday, discontinuing Roster off system there will be no difficulty of any kind. In that case, additional Supervisors Grade II and Markers/Sorters/Checkers will not have to be employed for working on Sunday only and the existing number will not also become superfluous. The normal work will continue on Sunday as usual and it will not be necesary to stop the Porterage work on this day.

19. Shri M. K. Raghavan, Ex. 7/W, is the President of the Union. His evidence shows that categories of workers mentioned in Para. 4 of Ex. 1/W are categories connected with Ports operation in the Wharf. All the 17 categories are interconnected and each one serves complimentary and supplementary to each other. In order to have satisfactory performance of the handling of cargo all the categories are absolutely necessary. None of the categories belongs to manual workers.

20. On the admission of Shri P. V. Nanappan, Deputy Traffic Manager Ex. 5/E, it is clear that out of the categories of workers mentioned in Para. 4 of the Ex. 1/W, catgeories of workers numbers 1 to 15 in order are not on Roster off system. Only Grade II Supervisors (Category No. 16) and Markers/Sorters/Checkers (Category No. 17) are on Roster off system.

21. In view of the admission of Shri Nanappan referred to above, it is not necessary to refer to the evidences of Sarvashri G. Chandrasekharan Pillai, Foreman (Ex. 3/W), T. K. Sangameswara Iyer, Grade I Supervisor (Ex. 4/W), K. R. Manoharan, Mobile Crane Driver (Ex. 5/W) and K. Narayanan Nair, Forklift Driver (Ex. 6/W), for proving that they are not on Roster off system.

22. According to Shri Nanappan, (Ex. 5/E), the requirements of workers belonging to categories numbers 1 to 15 mentioned in Ex. 1/W on Sunday are very much less, as compared to other days in a week, while the requirements of Grade II Supervisors (Category No. 16) and Markers/Sorters/Checkers (Category No. 17) are the same on every day in a week including Sunday.

23. It appears from the evidence of Shri Nanappan referred to above, that he wants to explain as to why Grade II Supervisors and Markers/Sorters/Checkers are only on Roster off system. In my opinion the explanation that Grade II

supervisors and Markers/Sorters/Checkers are only on Roster off system, because their requirements are the same on every day in a week including Sunday and because they have to supervise the work of Porterage workers every day directly including Sunday cannot be accepted. If other Supervisory staff *i.e.* categories of workers 1 to 15 mentioned in Ex. 1/W is not on Roster off system why should Grade II supervisors (Category No. 16) and Markers/Sorters/Checkers (Category 17) be only on Roster off system. If they are only continued on Roster off system, it would amount to unfair discrimination.

24. It is contended that Grade II Supervisors and Markers/Sorters/Checkers are given one day off according to turn for working on Sunday and that the Port Trust is not making any discrimination in this respect. It is true that this staff gets one day off according to turn for working on Sunday but they do not get half day's additional wages for working on Sunday. On the other hand, the other supervisory staff, if booked for work on Sunday, get additional half day's wages and some other day off. To this extent there is discrimination in respect of Grade II Supervisors and Markers/Sorters/Checkers who belong to Supervisory cadre.

25. It is contended by Shri Shenoi, the learned Advocate for the Cochin Port Trust that there is no statutory obligation to give Sunday particularly as the day off and that the obligation is to give one day off. It is true that there is no statutory obligation to give only Sunday as the day off and that the Port Trust is not committing any breach of statutory provisions in not giving Sunday off.

26. In the present case the other Supervisory Staff (categories Nos. 1 to 15 mentioned in Ex. 1/W) gets Sunday off, but Grade II Supervisors and Markers/Sorters/Checkers do not get Sunday off as they are on Roster off system. The other staff gets half day's additional wages, for working on Sunday, if booked but this is not so in respect of other supervisory staff *i.e.* Grade II Supervisors and Markers/Sorters/Checkers. Hence there is heart burning and dissatisfaction amongst the Grade II Supervisors and Markers/Sorters/Checkers. They feel agrrieved, because of the discrimination made by the management in this respect.

27. Shri Nanappan, Deputy Traffic Manager (Ex. 5/E) says in his evidence that there are other establishments where the Roster off system is prevailing *viz.*,

(i) The Cochin Dock Labour Board, where the workers are doing similar work *i.e.* loading and unloading operations.

(ii) The operational staff in the Fertilizer and Chemical Travancore Ltd., which is a Public Sector Undertaking.

(iii) Labourers and Porterage staff in the Madras Harbour.

(iv) The employees of Marine, Security and Fire Service.

He also says that there is Supervisory staff in Marine, Fire and Security Departments, and that they are on Roster off system.

28. Shri V. M. S. Panikar, (Ex. 6/E) is the sergent in the Security Department. His evidence shows that his two assistants who belong to supervisory cadre are on Roster off system.

29. Admittedly Shri Panikar, Ex. 6/E, is and was not on Roster off system. Only two years back the two Deputy Sergents, working now under him were appointed. Prior to that there were no Dy. Sergents. For the last 10 years *i.e.* since his joining the service manual workers working in this department are on Roster off system. Prior to two years, he was supervising the work of manual workers but he was not on Roster off system and that since only two years, the two Deputy Sergents who were newly appointed, are on Roster off system, alongwith other workmen.

30. The Cochin Port Trust has not adduced any documentary evidence to show that the Supervisory staff in Marine, Fire and Security Departmnt is on Roster off system since the beginning. Similarly no convincing documentary evidence has been produced to show that the Supervisory staff in the Cochin Dock Labour Board, operational staff in the Fertilizer and Chemical Travancore Ltd. and the Supervisory staff in the Madras Harbour are on Roster off system. There is no dispute about the labourers being on Roster off system in the above mentioned establishments including the Porterage labour in Cochin Port Trust. The dispute is only about the Supervisory staff.

31. Shri M. K. Raghavan, President of the Union, on behalf of the employees says in his evidence at Ex. 7/W that Marine Supervisory staff is not on Roster off system, that the Supervisory staff of Fire and Security Department are not on

Roster off system, that they being members of the essential service of the Port follow different system of 12 hours duty at a stretch, getting additional remuneration for the extra hours of work.

32. Shri Raghavan, admits that he has not worked in Marine, Fire and Security Department. But this is no ground to reject his testimony. On the admission of Shri Panikar, Ex. 6/E, it is crystal clear that the Supervisory staff in the security department was not on Roster off system prior to 2 years.

33. In the absence of convincing and reliable documentary evidence to show that the Supervisory staff in the 4 departments referred by Shri Nanappan in his evidence Ex. 5/E, is on Roster off system, the inevitable conclusion is that the Cochin Port Trust has failed to prove that Supervisory staff in these establishments is on Roster off system.

34. The learned Advocate Shri Shenoi contends that if the work of Porterage Labour is to go on smoothly it is necessary that Grade II Supervisors and Markers/Sorters/Checkers should be present for Supervising the work of Porterage Labour on every day including Sunday and that unless Roster off system is continued, it will be difficult to arrange the work harmoniously.

35. As I have pointed out that almost all Grade II Supervisors and Markers/Sorters/Checkers can be booked for working on Sunday giving them half day's additional wages and another day off according to turn for working on Sunday, there will be no difficulty in securing their presence for supervision and work alongwith the Porterage Labour on all days including Sundays and for arranging work harmoniously, without having Roster off system. It is not necessary that Roster off system should be continued for securing the presence of Grade II Supervisors and Markers/Sorters/Checkers for supervision and work alongwith Porterage Labour on all days including Sundays. I am, therefore, unable to accept this contention raised by Shri Shenoi.

36. In short, considering the oral and documentary evidence on record and the arguments advanced by both the parties, I am of the view that Roster off system of Grade II Supervisors and Markers/Sorters/Checkers should be discontinued that they should be given additional half day's wages and other day off for working on Sundays and that their demand for discontinuing the Roster off system is just and fair. The same deserves to be accepted.

37. The next point is from what date the Roster off system should be discontinued and the system of booking necessary number of Grade II Supervisors and Markers/Sorters/Checkers should be introduced.

38. With a view to avoid inconvenience and to give sufficient time for making arrangements to Cochin Port Trust Authorities, I am of the view that Roster off system should be discontinued with effect from 1st December 1969.

39. *Point No. iv.*—In the end I pass the following order:

ORDER

(i) It is hereby declared that the demand for changing the Roster off system for giving Sunday off as weekly day of rest in respect of Gr. II Supervisors and Markers/Sorters/Checkers is justified.

(ii) Roster off system in respect of Grade II Supervisors and Markers/Sorters/Checkers is directed to be discontinued with effect from 1st December, 1969.

(iii) Award is made accordingly.

(iv) No order as to costs.

(Sd.) N. K. VANI, Presiding Officer.

[No 29/47/68-LR-III/Fac.II.]

S.O. 4743.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to M/s M. Elias Private Limited, Calcutta and their workmen, which was received by the Central Government on the 6th November, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 53 OF 1969

PARTIES:

Employers in relation to Messrs M. Elias Private Limited, Calcutta,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES.

On behalf of Employers—Shri J. K. Roy, Counsel.

On behalf of Workmen—Sri S. Sarkar, Advocate.

STATE: West Bengal INDUSTRY: Port & Dock.

AWARD

By Order No. 28/40/69-LWI-III dated July 7, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute between the employers in relation to Messrs M. Elias Private Limited, Calcutta, and their workmen, to this Tribunal, for adjudication, namely:

"(i) Whether the action of the management of Messrs M. Elias Private Limited, Calcutta, in terminating the services of Sri S. K. Sen, Assistant, with effect from 18th April, 1969 was justified?

(ii) If not, to what relief is the workman entitled?"

2. The case pleaded by the workman S. K. Sen may be briefly stated as follows:

(a) That he was employed under Messrs M. Elias Private Limited (doing Stevedoring, Clearing and Forwarding business), on July 29, 1968, as an Assistant, on a salary of Rs. 250/- per month.

(b) That in clear defiance to Shops & Establishments Act, West Bengal, 1963, the employer company did not issue appointment letters to any of its employees including the concerned workman.

(c) That in consideration of the loyal and satisfactory service rendered by the concerned workman, the employer company agreed to give him an increment of Rs. 50/- within a span of 5 months. The said increment, however, was paid not as part of wages but as miscellaneous or conveyance allowance, under a voucher on the 1st month. On the next month amount was reduced to Rs. 25/- and was paid in the same manner as was done in the first month. Thereafter, the payment of increment was stopped.

(d) That the concerned workman received an advance of Rs. 2,500/-, deductable by monthly instalment from his salary, on the occasion of his daughter's marriage against the guarantee of one P. K. Mukherjee, Chartered Accountant of Green & Co., Chartered Accountants of Calcutta. The loan amount was received in cash on signing a debit voucher.

(e) That after meritorious and satisfactory service of over 6 months, S. L. Bhandari, a director of the employer company, began to illtreat him from March 31, 1969, the reason being that he had approached Mr. Bhandari to review his conditions of service and to grant him some more benefits.

(f) That on April 17, 1969, the said S. L. Bhandari issued the following letter to the workman (*vide* Ext. M):—

"Office Note—It has been pointed out to you on many occasions that we are not finding your work satisfactory—Infact the standard of work is well below our expectations.

We have given you many verbal warnings when you have apologised and assured us of better standard of work and we have given you many such chances. Let this be known that if we do not find your work

satisfactory during the next month we shall have no alternative but to dispense your services."

To the above letter the concerned workman sent the following reply (*vide* Ext. N):—

"I was surprised to receive your above note at a time when I was expecting an encouragement from you. You will please remember that at the time of my appointment you had assured me that after 4 months you would refix my salary which would be commensurate with my ability to render satisfactory service. I was on the 27th July 1968 engaged as an Assistant in your esteemed organisation on a salary of Rs. 250/- per month. I have been working for more than 8 months. From time to time you had also appreciated my work for which I am really thankful to you. Many a time I had expected increase of my salary.

But your Note to-day has come to me as a 'Bolt from Blue'. I do not know what to say in reply. However, I hope, Sir, you will be kind enough to consider my case most sympathetically and review your note.

Incidentally, I beg to bring to your kind notice that I have completed 240 days (Two hundred Forty days) on 20th March 1969 and I am eligible for membership to the statutory Provident Fund and I beg to request you to admit the same and other existing benefits to the staff may kindly be extended to me."

On the very next day (April 18, 1969), the concerned workman received the following letter terminating his services, for the reasons therein stated (*vide* Ext. O):—

"Ref. our Note of yesterday's date and your reply of date which instead of being apologetic and giving promise to improve has been given a legal trend giving the picture of what we may expect of you inspite of doing hardly any work.

Further you were not man enough to give this letter to the undersigned personally but had to send through another person.

Under the circumstance we have no alternative but to dispense with your services with immediate effect.

When you were taken on we told you we had no vacancy but merely from humaniterian point we were willing to assist you to see if some good could come out of you.

We even gave you a very handsome loan for your daughter's wedding so that it would take off the pressure and worries of your mind thus improving your work but we find that our kindness have been interpreted as weaknesses.

You will also recollect that when we gave you a job we told you that the moment you get another job you could leave us and you would take with you our best wishes. We hope you shall soon find some better employers."

The concerned workman, it is alleged, felt helpless, on being relieved of his services, and in order to regain his work at any costs entreated his employer to give back the job and the latter knowing fully the illegal nature of his act allowed him to rejoin the work on April 21, 1969. On the advise of Capt. S. L. Bhandari he made the following written representations, dated April 21, 1969, marked Ext. 2, to the employer:

"With reference to your notice of termination of my engagement I beg to request your goodself to kindly not to give it effect as I sincerely hope that in future there shall be no cause of any difficulty which has necessitated you to take such action. I entrust you, Sir, in my action and deeds, I shall always obey you and be very diligent in my work, and make an all round improvement. In view of this I may very kindly be reinstated.

You have been very kind to me ever since I came, and I hope you will not throw me out and deprive me of your generosity."

On the said representation the employer made the following endorsement on the representation:

"The only way I can assist is to keep you as a casual assistant on Rs. 10/- per day and watch the performance."

(g) The concerned workman was thus converted from regular permanent workman to a casual workman and, it is alleged, after 5 days of his employment his services were terminated with effect from April 26, 1969, without any reason or ground whatsoever. According to the workman the dismissal from service has been wrongful and opposed to all principles of natural justice and he was entitled to reinstatement with full back wages.

3. The employer company filed a written statement. It was therein admitted that the concerned workman approached the employer company, sometime in the month of July 1968, and represented that he had gained considerable experience in various aspects of clearing and forwarding business. He was unemployed at that time. Since there was no vacancy in the office of the employer company, he was at first refused any employment. Later on, at the earnest importunities of the concerned workman and because of the representations made by him that his family was on the point of starvation, he was taken on temporary basis as a general assistant, on a consolidated salary of Rs. 250/- per month. It is alleged in the written statement, that at the time of appointment it was abundantly made clear to the workman that he was being employed purely on compassionate grounds and purely on temporary basis and this created no obligation on the other side, that is to say if his services did not prove satisfactory the employer would terminate his services without notice and without compensation. It is also alleged in the written statement, that a letter of appointment was issued to the workman on July 29, 1968, couched in the following language:

> "This is to advise you that as a very special case, only because of your persistent calls and desperate condition we have agreed to try you out as an assistant for general work as there is no vacancy in one particular department where you can fit in. The job is purely temporary and you will have our blessings if you can get a job elsewhere.
>
> 1. You will be paid a consolidated wage of Rs. 250/- and there will be no other allowance even if you work overtime.
>
> 2. There will be no conveyance allowance as is given to some of our employees but if you are out on Companies work you will be paid the bus, tram or even taxi Charges depending on how you will be advised to go.
>
> 3. You will not be admitted to the Companys scheme for provident fund till you have completed one years satisfactory Service.
>
> 4. Your future is in your hands. We can assure you that we shall not be failing in encouraging a man to do a good honest days work.
>
> 5. In case of termination of Service by the Company you will not be entitled to any compensation."

There is no proof that this letter of appointment was at all received by the concerned workman, although S. Bhandari, one of the Directors of the employer company said, in his deposition, that he had personally handed over this letter to the concerned workman, without however, obtaining a receipt therefor from him. This letter of appointment was marked Ext. 7 subject to objection. It is further pleaded in the written statement that the workman did not render satisfactory service.

4. Notwithstanding all that, the employer company had advanced to the workman a loan of Rs. 2,500/- on the occasion of his daughter's marriage and also made *ex-gratia* payments of Rs. 50/- and Rs. 25/- on two consecutive months towards transport/conveyance charges. The advance of Rs. 2,500/- was allowed on the guarantee of one A. K. Mukherjee of Green & Co., Chartered Accountants. The loan is evidenced by Ext. 4. The amount of loan was repayable by monthly instalments of Rs. 125/- out of the salary of the concerned workman as Ext. 4 amply shows.

5. Since the workman did not improve his work even after considerations shown to him by his employer, it is stated in the written statement, the letter dated April 17, 1968, (Ext. M hereinbefore quoted), was issued to him. Thereafter, it is stated in paragraph 1(f) of the written statement:

> "Instead of waking up to realities and promising to do his best to keep his job, the workman tried to turn the table on the Employer by his reply dated 17th April 1969 by making false statements that his work had been appreciated, and/or that there had been a promise of increasing his salary etc. The contents of his letter made it abundantly clear to the Employer that the Workman was not at all appreciative of all

that had been done to help him, and that if allowed to continue in his job, he is not only likely to improve but is certain to create trouble for all concerned. In the premises, the Employer decided to terminate the Workman's services with immediate effect, which it did by its letter dated 18th April 1968."

It is lastly stated in paragraph 13 of the written statement:

"Save and except that the Employer re-engaged the Workman as a casual worker on a daily wage and that the Workman accepted the said terms as is evident from the fact that he reported for and performed his duties, each and every allegation contained in paragraph No. 13 of the Written Statement is denied as if the said allegations are specifically set out herein and denied *seriatim*. It is significant that after [illegible] days as a casual worker i.e. from 21st April 1969 to [illegible]9 the workman walked out of the office when questioned [illegible] serious lapse in his work.***

6. In th[illegible] these pleadings, I have to decide the reference made to this Tribunal[illegible]

7. The workman examined himself and also a Cashier of the employer company of the name of P. K. Rawal, on his behalf. In his evidence, the workman denied the receipt of any letter of appointment from the employer company, such as was marked as **Ext.** 7 subject to objection. As to the manner of his obtaining employment under the employer company, he made an improvement over his written statement and stated in his evidence, in answer to questions put by the Tribunal:

"I did not know the employer company before July 29, 1968. In search of a job, I approached one gentleman of the name of S. R. Rudra, an employee of Bharat Carbon & Sales Company. Mr. Rudra used to be at one time my boss at another place of employment. He advised me to approach Capt. Bhandari of M/s. M. Elias Pvt. Ltd. He did not however give any letter of recommendation. Thereafter, I called on Capt. Bhandari at his office on July 24, 1968, and told Mr. Bhandari that I had been advised to come by Mr. Rudra. He had a preliminary talk with me about my previous experience and asked me to see him two days later. I again saw Capt. Bhandari on July 27, 1969 and he asked me to join on July 29, 1969. He verbally told me that I would be getting salary of Rs. 250/- and other allowances, such as other employees get. I did not ask for any appointment letter nor did the company issue any appointment letter. I read upto B. Com. Standard of the Calcutta University but did not pass the Final. I had experience of clearing and forwarding work at the office of M/s. Gopal & Kumar, where I had been working before. At Gopal & Kumar I was in charge of general Administration. This certificate however does not show that I was in charge of Shipping & Clearing department. (Marked Ext. L)."

He also stated in his examination in-chief:

"It was only told that if I worked satisfactorily I would be absorbed in the permanent cadre. There was talk that I would be given an increment after 4 or 5 months of service. Mr. Bhandari assured that if my services proved satisfactory I would be made permanent in three to four months."

He however made it clear that all these talks were verbal talks and excepting he himself there was no other witness to these talks. The vouchers by which the workman claimed that he was paid increment in salary are part of Ext. 1 series. They do not show that money was received by the workman as part of increment in his salary. In answers to questions put by the Tribunal, the workman stated:

"The voucher shows that the money was received on my expense account, i.e. to say for expenses incurred, but really this was an increment to salary. Mr. Bhandari advised me to put in such a voucher every month and he would pass it which would add to my salary. This talk was also verbal and excepting myself there is no witness to this talk."

According to the workman, prior to the receipt of Ext. M. (Already quoted) he had not been charged for misconduct. He also admitted the language used in Ext. 2 (already quoted), by which he obtained his re-employment as a casual worker, was that of his own. In cross-examination he frankly admitted that a sum of Rs. 2,500/- plus some more amount which he had taken as loan on suspense

account from the employer company stood due from him The reason why Rawal was examined by the workman I do not know. His evidence goes against him. In answer to a question put by the Tribunal, Rawal stated that he did not know whether workman was given a letter of appointment. He also stated that the workman submitted vouchers on expense account for journies made, meaning the two exhibits by which the workman claimed to have received increments. I need not concern further with the evidence of Rawal.

8. On behalf of the employer Capt. S. Bhandari, a director of the employer company alone gave evidence. He of course repeated what he had stated in his written statement that it was out of pity that he gave an appointment, on temporary basis, to the concerned workman, at Rs. 250/- per month. He also stated that he had never given any increment, excepting some money for expenses incurred. In course of his examination-in-chief this witness stated:

> "After having been fed up with his lapses and failures to improve I sent to him a warning in writing, meaning Ext. M. When the warnings failed, I terminated his service. When I had terminated his services, he came to me and started crying. When he did so I offered him casual employment with this caution that if he improved then only I would reinstate him. He mishandled the business concerning the Union Carbide Company which M. Elias Pvt. Ltd. was dealing. When I was questioning him about this, he walked away may be 27th April, 1969, I do not exactly remember. I never used abusive language against Mr. Sen but I might have spoken loudly."

9. Now, without going into the controversy whether the workman was a permanent employee or a temporary employee, I find myself in a position to dispose of this reference on a very short ground. It is well known law that whether an employee be a permanent employee or a temporary employee, his services cannot be terminated for blameworthiness, without a charge-sheet, without opportunity to him to defend himself, without a proper enquiry and without a formal order of dismissal after enquiry. At the enquiry all the well known rules of natural justice must be observed. Now, if I look to the office note, Ext. M., dated April 17, 1969, it does not appear to be a chargesheet. Even at the risk of repetition, I am setting out three relevant lines from that letter, which contain a last warning to the workman:

> "Let this be known that if we do not find your work satisfactory during the next month as we shall have no alternative but to dispense your services."

The workman was not called upon to explain his conduct nor to submit any explanation but he was only expected to improve his standard of work. Nevertheless, the workman gave a reply to this letter, (Ext. N which I have already set out), which may not have been a proper reply and may have smacked of some impertenance, in the circumstances of the case. This reply seems to have enraged the employer and by the letter of termination (Ext. O dated April 18, 1968), the employer mentioned two separate blameworthinesses on the part of the workman, (i) that he was not apologetic and did not give any promise to improve but cared to give a legal trend to the picture and (ii) that the workman was not man enough to give the letter to Capt. Bhandari personally but had sent it through another person. After having recited these two items of 'blameworthiness' it was written in the letter:

> "In the circumstances have no alternative but to dispense with your service with immediate effect."

On the face of this letter, there is no escape for the conclusion that the workman was dismissed for impertinent conduct and lack of courageousness, both of which according to the employer, amounted to misconduct. Assuming that so they were, which of course I do not hold, even then the workman could not be dismissed excepting in the formal way of charging the workman and giving him opportunity to defend himself in a formal enquiry. Since that was not done in the instant case, the order of dispensing with services, which amounts to dismissal in the facts of the instant case, must be held to be improper and wrongful and the workman is entitled to his relief against wrongful dismissal.

10. In considering the relief that the workman is entitled to get in this case, I do not think that it would be proper to give an order of reinstatement in favour of the workman. The certificate granted by Gopal & Kumar, Shipping Agents, under whom the concerned workman previously used to serve (Ext. L), does not

go to show that the workman has any experience in shipping. He had satisfactorily served in the office of Gopal & Kumar in general administration work. Therefore, his claim that he is acquainted with shipping, clearing and forwarding work may be an idle boast, under the pretence of which he obtained the employment. In the next place, I find that the employer is thoroughly dissatisfied with his work and having considered the evidence of the employer I do not feel that there is anything which goes to show that the employer was exaggerating the workman's failures and lapses. The evidence also goes to show that the employer had already been kind to him but now very much bitter against him. It will not contribute to peace between the employer and the employees. if I impose this workman upon the employer. I, therefore, direct, as was done by the Supreme Court in the case of Ruby General Insurance Company v P. P. Chopra (Civil Appeal No. 1735 of 1969) that the employer company do pay to the workman twleve months' salary, at the rate of Rs. 250/- per month and interest thereon at the rate of 6 per cent per annum, from April 18, 1969 till payment. Out of the above amount the employer may deduct the amount of loan due by the workman to the employer company, namely the sum of Rs. 2,500/- or so much out of it as may be outstanding and the other advances received by the workman, as admitted by and pay the balance only to him.

This is my award.

Sd./- B. N. BANERJEE,
Presiding Officer.

Dated, October 29, 1969.

[No. 28/40/69-LWI-III/Fac.II.]

New Delhi, the 18th November 1969

S.O. 4744.—The following draft of a scheme further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, after clause 14, the following clause shall be inserted, namely:—

"14-A. *Special Disciplinary powers of the Chairman of the Board*:—

(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any of the listed dock workers or gang or any such individual worker and is being continued or repeated by the same workers or gang or worker or different workers or gangs on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman to take without prejudice to the rights of the listed employers, such disciplinary action including dismissal against such workers, as he may consider appropriate;

(3) The Chairman may take disciplinary action against all the workers or gang or the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or gang or workers, such worker or gang or workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it or them:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or gang or workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-fourth of his daily wage including dearness allowance; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half, the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body or Board may certify that the worker would have received on the time rated basis had he not been suspended; provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) Any listed dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

(ii) "14-AA. *Special provisions for action in an emergency*:—

(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a listed employer has failed to carry out the provisions of the Scheme, the Chairman, may, after holding a summary inquiry into the allegations, take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the listed employer shall be removed forthwith from the employers' list either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or mis-conduct is made against a listed dock worker, the Chairman may suspend him forthwith pending enquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

(a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment.

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or

(e) dismiss him.

(iii) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-fourth of his daily wage including dearness allowance, provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) The subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) Where a worker is found not guilty, he shall be entitled to such payments in respect to the period of his suspension as the Board or the Administrative Body may certify that the worker would have received on the time rate basis provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against the listed employer and listed dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by the listed employers and payment to such unregistered workers directly.

(5) Any listed dock worker or listed employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac. II.]

S.O. 4745.—The following draft of a scheme further to amend the Kandla Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948, (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Kandla Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Kandla Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, after clause 19, the following clauses shall be inserted, namely:—

"19-A. *Special Disciplinary powers of the Chairman of the Board*:—

(1) *Notwithstanding anything contained in the Scheme, if the Chairman is* satisfied that a 'go-slow' has been resorted to by any of the listed dock workers or gang or any such individual worker and is being continued or repeated by the same workers or gang or worker or different workers or gangs on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman to take without prejudice to the rights of the listed employers, such disciplinary action including dismissal against such workers, as he may consider appropriate.

(3) The Chairman may take disciplinary action against all the workers or gang or the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or gang or workers, such worker or gang or workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it or them:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or gang or workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-forth of his daily wage including dearness allowance; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half, the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body or Board may certify that the worker would have received on the time rated basis had

he not been suspended; provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) Any listed dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

(ii) "19-AA. *Special provisions for action in an emergency*:—

(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect;

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a listed employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the listed employer shall be removed forthwith from the employers' list either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or mis-conduct is made against a listed dock worker, the Chairman may suspend him forthwith pending enquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

(a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment.

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or

(e) dismiss him.

(iii) (a) where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-fourth of his daily wage including dearness allowance, provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) Where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Board or the Administrative Body may certify that the worker would have received on the time rate basis provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against the listed employer and listed dock workers shall not apply to any order passed by the Chairman under sub-clause (2)

(4) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by the listed employers and payment to such unregistered workers directly.

(5) Any listed dock worker or listed employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac. II.]

S.O. 4746.—The following draft of a scheme to amend the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objection or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme 1968, after clause 32, the following clauses shall be inserted, namely:—

"32-A. *Special Disciplinary powers of the Chairman of the Board*:—

(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any of the listed dock workers or gang or any such individual worker and is being continued or repeated by the same workers or gang or worker or different workers or gangs on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman to take without prejudice to the rights of the listed employers, such disciplinary action including dismissal against such workers, as he may consider appropriate.

(3) The Chairman may take disciplinary action against all the workers or gang or the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or gang or workers, such worker or gang or workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it or them:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or gang or workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-fourth of his daily wage including dearness allowance; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half, the total daily wage including dearness alowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body or Board may certify that the worker would have received on the time rated basis had he not been suspended; provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) Any listed dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

(ii) "32-AA. *Special provisions for action in an emergency*:—

(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect;

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a listed employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the listed employer shall be removed forthwith from the employers' list either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or mis-conduct is made against a listed dock worker, the Chairman may suspend him forthwith pending enquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

(a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment.

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or

(e) dismiss him.

(iii) (a) where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-fourth of his daily wage including dearness allowance, provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty he shall be entitled to such payments in respect of the period of his suspension as the Board or the Administrative Body may certify that the worker would have received on the time rate basis provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against the listed employer and listed dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by the listed employers and payment to such unregistered workers directly.

(5) Any listed dock worker or listed employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac. II.]

S.O. 4747.—The following draft of a scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948, (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 (hereinafter referred to as the said Scheme), in clause 46, for sub-clause (5), the following sub-clause shall be substituted, namely:—

"(5) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

3. In the said scheme in clause 51, for sub-clause (4), the following sub-clause shall be substituted, namely:—

"(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65/Fac. II.]

S.O. 4748.—The following draft of a scheme further to amend the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Bombay Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, after clause 14, the following clauses shall be inserted, namely:—

"14-A. *Special Disciplinary powers of the Chairman of the Board*:—

(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any of the listed dock workers or gang or any such individual worker and is being continued or repeated by the same workers or gang or worker or different workers or gangs on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman to make without prejudice to the rights of the listed employers, such disciplinary action including dismissal against such workers, as he may consider appropriate;

(3) The Chairman may take disciplinary action against all the workers or gang or the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or gang or workers, such worker or gang or workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it or them:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or gang or workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-fourth of his daily wage including dearness allowance; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half, the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body or Board

may certify that the worker would have received on the time rated basis had he not been suspended; provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) Any listed dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

(ii) "14-AA. *Special provisions for action in an emergency*:—

(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make declaration to that effect;

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a listed employer has failed to carry out the provisions of the Scheme, the Chairman, may, after holding a summary inquiry into the allegations, take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the listed employer shall be removed forthwith from the employers' list either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or mis-conduct is made against a listed dock workers, the Chairman may suspend him forthwith pending enquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

(a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment.

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or

(e) dismiss him.

(iii) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-fourth of his daily wage including dearness allowance, provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) The subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) Where a worker is found not guilty, he shall be entitled to such payments in respect to the period of his suspension as the Board or the Administrative Body may certify that the worker would have received on the time rate basis provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against the listed employer and listed dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by the listed employers and payment to such unregistered workers directly.

(5) Any listed dock worker or listed employer who is aggrieved by an order passed by the Chairman under sub clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac. II.]

S.O. 4749.—The following draft of a scheme further to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 (hereinafter referred to as the said Scheme) in clause 45, for sub-clause (5) the following sub-clause shall be substituted, namely:—

"(5) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

3. In the said Scheme, in clause 50, for sub-clause (4), the following sub-clause shall be substituted, namely:—

"(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order prefer an appeal to the Central Government."

[No. 522/27/65-Fac. II.]

S.O. 4750.—The following draft of a scheme further to amend the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Calcutta Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 after clause 14 the following clauses shall be inserted, namely:—

"14-A. *Special Disciplinary powers of the Chairman of the Board.*—(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any of the listed dock workers or gang or any such individual worker and is being continued or repeated by the same workers or gang or worker or different workers or gangs on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman to take without prejudice to the rights of the listed employers, such disciplinary action including dismissal against such workers, as he may consider appropriate.

(3) The Chairman may take disciplinary action against all the workers or the gang or the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or gang or workers, such worker or gang or workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it or them:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or gang or workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-fourth of his daily wage including dearness allowance; provided that for the period of suspension in excess of a month, the Chairman, may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body or Board may certify that the worker would have received on the time rated basis had he not been suspended; provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) Any listed dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.";

(ii) "14-*AA*, *Special provisions for action in an emergency*.—(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein make a declaration to that effect;

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a listed employer has failed to carry out the provisions of the Scheme the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the listed employer shall be removed forthwith from the employers' list either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a listed dock worker, the Chairman may suspend him forthwith pending enquiry hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

(a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or

(e) dismiss him.

(iii) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to one-fourth of his daily wage including dearness allowance, provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) Where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Board or the Administrative Body may certify that the worker would have received on the time rate basis provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against the listed employer and listed dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force the Chairman may authorise the employment of unregistered workers directly by the listed employers and payment to such unregistered workers directly.

(5) Any listed dock worker or listed employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.".

[No. 522/27/65/Fac.II.]

S.O. 4751.—In exercise of the powers conferred by sub-section (2) of section 5 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), read with sub-rule (2) of rule 3 of the Dock Workers (Advisory Committee) Rules, 1962, the Central Government hereby appoints Shri B. M. Parkot as a member of the Dock Workers Advisory Committee *vice* Shri V. S. Manerkar, and makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 56 dated the 23rd December 1968, namely:—

In the said notification, under the heading "*Members representing the employers of dock workers and shipping companies*:"

in item (6) for the words "Shri V. S. Manerkar", the words, "Shri B. M. Parkot" shall be substituted.

[No. 65/1/69-Fac.II.]

S.O. 4752.—The following draft of a scheme further to amend the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Mormugao Dock Workers (Regulation of Employment) Amendment Scheme 1969.

2. In the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965 (hereinafter referred to as the said Scheme), in clause 47, for sub-clause (6), the following sub-clause shall be substituted, namely:—

"(5) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

3. In the said Scheme, in clause 53, for sub-clause (4) the following sub-clause shall be substituted, namely:—

"(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac.II.]

S.O. 4753.—The following draft of a scheme to amend the Kandla Dock Workers (Regulation of Employment) Scheme, 1969, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Kandla Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Kandla Dock Workers (Regulation of Employment) Scheme, 1969 (hereinafter referred to as the said Scheme), in clause 47, after sub-clause (5), the following sub-clause shall be inserted, namely:—

"(6) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order prefer an appeal to the Central Government."

3. In the said scheme, in clause 53, for sub-clause (4), the following sub-clause shall be substituted, namely:—

"(4) Any registered dock worker of registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac.II.]

S.O. 4754.—The following draft of a scheme further to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Visakhapatnam Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 (hereinafter referred to as the said Scheme), in clause 45, for sub-clause (5), the following sub-clause shall be substituted, namely:—

"(5) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order prefer an appeal to the Central Government."

3. In the said Scheme, in clause 50, for sub-clause (4), the following sub-clause shall be substituted, namely:—

"(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac.II.]

S.O. 4755.—The following draft of a scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956 (hereinafter referred to as the said Scheme), in clause 46, for sub-clause (5), the following sub-clause shall be substituted, namely:—

"(5) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government,"

3. In the said Scheme in clause 51, for sub-clause (4), the following sub-clause shall be substituted, namely:—

"(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac.II.]

S.O. 4756.—The following draft of a scheme to amend the Bombay Chipping and Painting Workers (Regulation of Employment) Scheme, 1969, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Bombay Chipping and Painting Workers (Regulation of Employment) Amendment Scheme 1969.

2. In the Bombay Chipping and Painting Workers (Regulation of Employment) Scheme, 1969 (hereinafter referred to as the said Scheme), in clause 45, for sub-clause (6), the following sub-clause shall be substituted namely:—

"(5) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

3. In the said Scheme, in clause 51, for sub-clause (4), the following sub-clause shall be substituted namely:—

"(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac.II.]

S.O. 4758.—The following draft of a scheme further to amend the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 14th December, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959 (hereinafter referred to as the said Scheme), in clause 46, for sub-clause (5), the following sub-clause shall be substituted, namely:—

"(5) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

3. In the said Scheme, in clause 51, for sub-clause (4), the following sub-clause shall be substituted, namely:—

"(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government."

[No. 522/27/65-Fac.II.]

New Delhi, the 21st November 1969

S.O. 4759.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to M/s. Motumal & Company, Bombay and their workmen which was received by the Central Government on the 13th November, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

REFERENCE No. CGIT-2/24 OF 1968

Employers in relation to M/s. Motumal & Co. Bombay.

AND

Their Workmen.

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the Employers:

Shri A. R. Mulani, Advocate.

For the Workmen:

Shri K. R. Dengle, Advocate.

INDUSTRY: Ports and Docks. STATE: Maharashtra.

Bombay, dated the 3rd November 1969.

AWARD PART I

By order No. 28/84/66-LRIV dated 19th November, 1966, the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to the Central Government Industrial Tribunal, Bombay for adjudication an industrial dispute existing between the employers in relation to M/s. Motumal & Co., Bombay and their workmen in respect of the matter specified in the Schedule mentioned below:—

SCHEDULE

"Whether the terms and conditions of service of the employees of M/s. Motumal & Co., Ashok Chambers, Bombay-9 in respect of the following matters require revision and if so to what extent and from what date?

1. Pay scale.
2. Fixation of Pay.
3. Dearness Allowance.
4. Working Hours.
5. Gratuity.
6. Leave.
7. Overtime.
8. Promotion."

2. Later on, the Central Government by Order No. 22/8/68-LRIII, dated 25th November, 1968, transferred this reference to this Tribunal No. 2 for adjudication.

3. The employers have filed written statement at Ex. 1/E on 11th January, 1967 and rejoinder at Ex. 3/E on 22nd March, 1969 raising various contentions.

4. The Transport & Dock Workers' Union representing the workmen of M/s. Motumal & Co., Bombay has filed written statement at Ex. 2/W on 4th March, 1967.

5. From 24th March, 1969, both the parties took adjournment from time to time for bringing about settlement. On 25th October, 1969, the Company has given application as mentioned below:—

"It is prayed on behalf of the Company that the settlement which was reached between the parties in respect of Demand Nos. 4 (working hours), 5 (Gratuity), 6 (Leave), 7 (Overtime) and 8 (Promotion) may please be

accepted by this Hon'ble Tribunal and Part I Award in terms of the said settlement may please be made.

Today nobody appeared on behalf of the Union. As desired by this Hon'ble Tribunal the company is producing a copy of said terms of settlement. The same are also signed on behalf of the company. This Hon'ble Tribunal may please ask the Union to give its say....."

Along with this application settlement dated 25th October, 1969 bearing the signature of the Partner of the company was produced.

6. As the Union was not present, the case was adjourned to 1st November, 1969. On this date, Shri A. R. Mulani, Advocate for the Employers and Shri K. R. Dengle, Advocate for the Union appeared before me and filed their appearances. Shri K. R. Dengle also field his 'Vakalatnama' on behalf of the Union and gave application as mentioned below:—

"In the above matter we have filed consent terms in respect of Demands Nos. 4, 5, 6, 7 and 8. We pray that the settlement may be recorded and award in terms of the settlement may be given as Part I Award.

We pray date may be fixed for hearing in respect of demands Nos. 1, 2 and 3. And for this act of kindness we as in duty bound shall ever pray."

7. The learned Advocate for the Union Shri K. R. Dengle signed the settlement dated 25th October, 1969 on behalf of the Union.

8. As both parties effected settlement after holding negotiations for a long period and as the terms of settlement in respect of demands Nos. 4 to 8 are quite fair and reasonable, I accept the same. As regards demand Nos. 1 to 3, i.e. (1) Pay Scale, (2) Fixation of pay, (3) Dearness Allowance the case has to be kept for further hearing as desired by the parties.

9. In the end I accept the settlement marked Annexure 'A' and pass the following Order.

ORDER

(i) Award Part I in terms of Settlement Annexure 'A' is made.

(ii) Settlement dated 25th October, 1969, Annexure 'A' is to form part of the Award.

(iii) No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer,
Central Government Industrial Tribunal No. 2,
Bombay.

3rd November, 1969.

ANNEXURE 'A'

BEFORE SHRI N. K. VANI, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY.

REFERENCE NO. CGIT-2/24 OF 1968 (PR. REF. NO. CGIT-54 OF 1966).

BETWEEN

Employers in relation to M/s. Motumal & Co. Bombay

AND

Their Workmen.

May it Please the Hon'ble Tribunal:

The parties to the above Reference have reached the following settlement with respect of demand Nos. 4 (Working hours), 5 (Gratuity), 6 (Leave), 7 (Overtime) and 8 (Promotion) in the above matter and pray that the Hon'ble Tribunal may be pleased to make Part I Award in terms of the said settlement.

Terms of Settlement

It is agreed between the parties as under:—

Demand No. 4—Working Hours:

(a) The actual working hours shall be 8.00 hrs. in the day shift, 6.00 hrs. in the night shift and extra shifts.

(b) The spread over of the working hours for Dock, Rly. Godown staff etc. in the day shift shall not exceed 9.00 hours and 45 minutes and normally it shall be from 9.00 A.M. to 6.45 P.M.

(c) One hour rest interval shall be allowed between 12.00 noon and 2.00 P.M. in the day shift and half an hour in each of the night shift and extra shift.

(d) Any work done beyond the scheduled working hours in each shift either within the spread over period or beyond shall be treated as overtime work and will be paid at overtime rate of wages.

(e) In respect of Customs and Office staff, the present practices of working hours, rest intervals, weekly holidays shall continue.

(f) The time of commencement and closure of work for the out door workers shall be as under:

Commencement time	*Closure time*
8.30 A.M.	6.15 P.M.

(g) If as a result of the implementation of clauses (a) to (f) above for a period of one year it is found by either party that it has resulted in hardship to the party, the said clauses shall be reviewed for necessary modification.

Demand No. 5—Gratuity:

The employees shall be entitled to gratuity as under:—

(a) In case of retirement or permanent disability or death or termination of service after 5 years continuous service 21 days' wages for each completed year of service subject to a maximum of 21 months' wages.

(b) As and when Provident Fund Scheme under the Employees' Provident Funds Act is introduced then upto the date of the introduction of the said scheme the employees shall be entitled to the benefit of the gratuity at the rate of 21 days' wages for each completed year of service subject to a maximum of 21 months' wages and thereafter the gratuity shall be paid at the rate of 15 days' wages for each completed year of service subject to a maximum of 15 months' wages.

(c) In case of resignation, the gratuity is payable at the rate mentioned in 5(a) or (b) above as the case may be only if the employee has served continuously for 10 years.

(d) In case an employee dies while in service before completing 5 years of his service, the gratuity admissible to his legal heirs shall ordinarily be limited to 15 days' wages for each completed year of service.

(e) In case an employee who is dismissed from service for misconduct involving monetary loss to the employer, the amount of such proved loss caused to the employer, by such grave misconduct may be deducted from the gratuity payable to him.

(f) An employee's continuous service including all authorised leave of absence shall count both for the purpose of calculating the minimum period if any, required to qualify for the gratuity and for the purpose of working out of the quantum for gratuity.

(g) In case an employee who is on leave at the time of leaving the service or at the time of his death as the case may be, the wages for the purpose of computing the gratuity shall be the wages which he would have drawn on such date but for his having been on leave including the increases in such pay which he would have been entitled to had he been on duty on such date.

(h) Wages for the purpose of computing gratuity shall be full months' wages drawn by the employee during the month preceding the date of his retirement/resignation/disability/death.

Demand No. 6—Leave:

(a) *Casual Leave.*—(i) An employee shall be entitled for casual leave with wages at the rate of 7 days for calendar year. The benefit will be given to employees who have put in one year's service.

(ii) Casual leave shall be non-cumulative.

(iii) Casual leave shall be limited to 3 days at a time and is intended to meet special or unforeseen circumstances.

(iv) Ordinarily the previous permission of the employer shall be obtained before taking such leave. When this is not possible the employer shall, as soon as possible be informed in writing of the absence from work and of the probable duration of absence and in all such cases casual leave shall be granted.

(b) *Sick Leave.*—(i) An employee who has completed one year of service shall be granted 7 days' sick leave per calendar year. Sick leave shall be allowed to be accumulated upto 30 days.

(ii) The request for sick leave should be made in writing on the day the employee falls sick or at the earliest possible time and the request for sick leave exceeding 3 days should be accompanied by a Medical Certificate.

(c) *Privilege Leave.*—An employee who has completed one year's service shall be given one day's privilege leave for every 14 days' attendance including weekly offs and holidays in the preceding calendar year subject to the conditions appearing hereunder:

(i) Privilege leave shall be allowed to be accumulated upto 50 days. In case privilege leave is refused when applied for accumulation of privilege leave will be allowed to the extent of such refused leave in excess of 50 days.

(ii) An application for privilege leave should be made at least 15 days before the date from which an employee desires to proceed on privilege leave and the management shall inform the employee in writing of sanction or otherwise of the leave within one week of the date of receipt of the leave application.

Demand No. 7—Overtime:

Any work done by employee in excess of the Scheduled working hours will be treated as overtime work and shall be paid at 1½ times of normal wages including allowances treated as wages under the relevant legislation.

Normally employees will not be called upon to work on the weekly holidays or on the paid holidays. The employees shall be granted paid holidays in each calendar year as per the conventions/practices prevailing in the company in consultation with the employees before the commencement of the year in regard to fixation of actual holidays. However, if a worker is called upon to work on the weekly holiday(s) and paid holidays, he shall be paid a double the normal rate of wages for such work.

Demand No. 8—Promotion:

This demand is not pressed.

Period of Settlement

This settlement shall come into force from 1st August 1969 and shall be in force for a period of 3 years. The benefits arising out of clause 6(b) and (c) in respect of sick leave and privilege leave shall be given to those employees who have completed one year's service on 31st March, 1969.

Arbitration

In case of any dispute regarding interpretation of this settlement the same shall be referred to Mr. S. C. Sheth, the Managing Director of M/s. Eastern Bunkerers Ltd., for his arbitration whose decision shall be binding on the parties.

For Transport & Dock Workers' Union

Sd/-

Advocate for Transport & Dock Workers' Union.

For M/s. Motumal & Co.

Sd/-

Partner.

Bombay Dated 25th October, 1969.

[No. 28/84/66-LR-IV/Fac. II.]

ORDER

New Delhi, the 17th November 1969

S.O. 4760.—Whereas the Central Government is of opinion that an Industrial Dispute exists between the employers in relation to the management of General Superintendence Co., (India) Pvt. Ltd., Vasco-da-gama and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, Whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the action of the management of M/s. General Superintendence Co., (India) Pvt. Ltd., Vascodagama in retrenching the workmen *viz.* (1) S/s. A. S. Nagvonkar, Sampler and A. S. Nazarkar, Sample boy with effect from 31st January, 1969, is justified?
2. If not to what relief the said workmen are entitled to?

[No. 29/38/69-LWI-II/Fac.II.]

C. RAMDAS, Dy. Secy.

(Department of Labour and Employment)

New Delhi, the 18th November 1969

S.O. 4761.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad in the industrial dispute between the employers in relation to the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited and their workmen, which was received by the Central Government on the 13th November, 1969.

BEFORE THE CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 232 OF 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Digwadih Colliery of Tata Iron and Steel Company Limited, Post Office Jealgora (Dhanbad).

AND

Their workmen.

APPEARANCES:

On behalf of the Workmen—Shri D. Narsingh, Advocate.

On behalf of the Employer—Shri S. S. Mukherjee, Advocate.

STATE: Bihar. INDUSTRY: Coal.

Dhanbad, 5th November, 1969

14th Kartika, 1891 Saka.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Digwadih Colliery of Tata Iron and Steel Company Limited, Post Office Jealgora (Dhanbad) and their workmen, by

its order No. 2/64/67-LRII dated 24th May, 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below :

SCHEDULE

"Whether the action of the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited in suspending Sarvashri Kamta Choubey, Watchman and Ganga Prasad Singh, Watchman for ten days each with effect from the 3rd December, 1966 and the 18th December, 1966 respectively was an act of victimisation? If so, to what relief are they entitled?"

2. Employers as well as the workmen filed their statement of demands.

3. Shri Kamta Choubey and Shri Ganga Prasad Singh (hereinafter referred to respectively as affected workman No. 1 and affected workman No. 2) were watchmen in Digwadih Colliery of the employers. The affected workman No. 1 was issued a charge-sheet on 11/14th November, 1966, alleging that on the night between 2nd and 3rd November, 1966 he was found sleeping while on duty at the Group Engineer's Bunglow and thereby had committed misconduct under clause 19(10) of the Standing Orders. The affected workman No. 1 submitted his explanation to the charge-sheet denying the allegation in its entirety. The Welfare Officer(P) at the colliery held a domestic enquiry into the charge-sheet in the presence of the affected workman No. 1 and submitted his report holding the affected workman No. 1 guilty of the charge. Consequently, he was issued a letter suspending him for 10 days with effect from 3rd December, 1966 as punishment. The affected workman No. 2 was also issued a charge-sheet on 11/14th November, 1966, alleging that he was found sleeping on duty on the night between 2nd and 3rd November, 1966 and had committed thereby a misconduct under clause 19(10) of the Standing Orders. The affected workman No. 2 submitted his explanation denying the allegation in its entirety. The then Welfare Officer conducted a domestic enquiry into the charge-sheet in presence of the affected workman No. 2 and submitted his report finding him guilty of the charge. By the letter dated 12/13th December, 1966 affected workman No. 2 was suspended for 10 days with effect from 18th December, 1966. These facts are not in dispute.

4. In terms of the reference it is to be determined whether the action of the management in suspending the 2 affected workmen by way of punishment was an act of victimisation. The workmen filed a written statement pleading therein that the affected workmen were members of the Tata Collieries Workers Union since January 1965, that the management has always discouraged the which and ward staff from joining the union, that the 2 affected workmen were taking very active interest in organising their co-workers under the banner of the union, that for the above fact the employers had become much displeased and annoyed with the affected workmen, that the affected workmen along with others, while organising the union pointed out many irregularities of the officers of the watch and ward department, that as a consequence the officers of the company and particularly the Security Officer had become hostile and vindictive against the 2 affected workmen and planned out to victimise the 2 affected workmen and some other members of the union belonging to watch & ward department and that in consequence of the above the management issued separate charge-sheets to the 2 affected workmen with false allegations, held an unfair and improper domestic enquiry and passed the illegal and unjust orders punishing them. The employers filed the written statement denying the pleas taken by the workmen and stating that the action taken was proper and just and in accordance with the Standing Orders. The workmen were represented by Shri D. Narsingh, Advocate and the employers by Shri S. S. Mukherjee, Advocate. On admission by the employers, Exts. W-1 to W-6 for the workmen and on admission by the workmen Exts. M-1 to M-7 for the employers were marked. On behalf of the workmen 2 witnesses were examined and Exts. W-7 to W-9 were marked. The employers also examined 2 witnesses and marked Exts. M-8 to M-11.

5. The main plea of the workmen was that the 2 affected workmen were punished by the employers to victimise them for their trade union activities. This allegation was flatly denied by the employers. Thus, the onus was lying on the workmen to substantiate their case. To the charge-sheets issued to them the 2 affected workmen had submitted explanation on the charge-sheets themselves, Exts. M-1 and M-4, denying the allegation and pleading that the charge-sheets were issued to them to harass and victimise them as they had become members of the Tata Collieries Workers Union, the union which was not liked

by the management. The explanations of the 2 affected workmen were identical. They did not plead therein that they were taking active interest in organising their co-workers or that the Security Officer in particular had become hostile and vindictive against them. Among the documents, Exts. W-1 to W-9 there is none having bearing on the plea of victimisation taken by the workmen. The 2 affected workmen were examined as WWs 1 and 2. There is absolutely no evidence that both or either of the 2 affected workmen was taking active interest in organising their co-workers under the banner of the union or that the employers or the Security Officer had become hostile and vindictive against them on that ground. On the contrary I find in the statement recorded of the affected workman No. 2 before the enquiry officer his having stated clearly that he did not participate in the union activities nor did he do any union work. Affected workman No. 1 did not state anything before the enquiry officer except deposing that what he had to state he had stated in his reply to the charge-sheet. The reply to the charge-sheet, Ext. M-1 does not speak about any of his trade union activities. It is true that both the affected workmen have deposed that since 1964 or 1965 they are members of the "Lal Jhanda Union". But affected workman, No. 1, WW-1 has deposed that more than 40 or 50 members of the staff of the watch and ward Section are members of the "Lal Jhanda Union". It is not explained how the only 2 affected workmen were selected for victimisation out of the 40 or 50 members of the union. It is in the evidence of the affected workman No. 1, WW.1 that on the night of the occurrance Shri Z. M. Pentey, the Security Officer had told him that if he did not join INTUC union he would be dismissed and that on a previous occasion also Shri Z. M. Pentey had asked him to become a member of the INTUC union and had said that if he did not do so he would be punished and dismissed. But there is nothing in the explanation to the charge-sheet that on the night of the occurrance Shri Z. M. Pentey had asked the affected workman No. 1 to become a member of the INTUC or had said that in default he would be punished. Affected workman No. 1, WW.1 has deposed that the explanation to the charge-sheet, Ext. M-1 was written by his union, "Lal Jhanda Union" and that he had told the scribe that on the night of the occurrance Shri Z. M. Pentey had told him that he would dismiss him if he did not become a member of the INTUC union. If it was so there is no reason why the affected workmen should not have mentioned the same in the explanation to the charge-sheet. For these reasons, I find no substance in the allegation that the 2 affected workmen were victimised for their trade union activities.

6. The workmen had taken the plea that the domestic enquiries held against the 2 affected workmen were not proper. The domestic enquiry against affected workman No. 1 was held by Shri D. R. Mody, MW-2 and against affected workman No. 2 by Shri L. H. Parvatiyar, MW-1. The findings of guilt made by the enquiry officers are based solely on the statement of Shri Z. M. Pentey, the Security Officer. In the explanation to the charge-sheet, Exts. M-1 and M-4 the affected workmen had made serious allegations against the Security Officer, Shri Z. M. Pentey. It was stated that at the time of the inspection Shri Z. M. Pentey was fully drunk. Obviously, Shri Z. M. Pentey must have been annoyed and prejudiced against the 2 affected workmen on this score. This suspicion is supported by Exts. W-4 and W-5 letters which are issued by Shri Z. M. Pentey under his signature respectively to the 2 affected workmen calling for their explanation for having attributed to him drunkenness. I find from the record that the 2 charge-sheets, Exts. M-1 and M-4 were issued under the signature of Shri Z. M. Pentey so also the punishment orders, Exts. M-3 and M-6. Exts. M-3 and M-6 do not refer to any authority as having accepted the findings of the enquiry officers and passed the punishment orders. Of course, on the charge-sheets, Exts. M-1 and M-4 there is the endorsement by the Chief Mining Engineer. The endorsements do not bear any date. It is argued for the workmen that these endorsements have been obtained to make the punishment orders appear legal. It is in the evidence of the affected workman, No. 1, WW-1 that he had submitted an application to the Chief Mining Engineer complaining that the domestic enquiry held against him was not proper. A copy of the application is Ext. W-7. This application is dated 30th November, 1966 and it was before the punishment order, Ext. M-3 was passed. To this application the Chief Mining Engineer has sent a reply, Ext. W-6 stating that the enquiry was proper and that no fresh enquiry was necessary. The affected workman No. 1 has sent yet one more letter, Ext. W-8 protesting against the punishment order passed against him. As a cumulative effect of this evidence I find that it was not in accordance with the principles of natural justice for the enquiry officers to find the affected workmen guilty solely on the testimony of a person who was highly prejudiced against them. Before the enquiry officer Shri Z. M. Pentey gave a statement, Ext. M-8 stating that when he found the affected workman No. 2 sleeping on duty one Shri Ram

Janam Singh was present. This Shri Ram Janam Singh could have been examined to whatever worth his evidence was. It may be that the Security Officer had proceeded against Shri Ram Janam Singh for dereliction of duty. But the enquiry officers were not prudent to depend upon the only evidence of Shri Z. M. Pentey and find the affected workmen guilty. The inference is irresistable that the two affected workmen were punished by way of victimisation for their alleged behaviour towards Shri Z. M. Pentey, the Security Officer. On this ground the punishment orders issued against the affected workmen cannot be upheld.

7. I, therefore, find that the action of the management of Digwadih Colliery of M/s. Tata Iron and Steel Company Limited in suspending Sarvashri Kamta Choubey, watchman and Ganga Prasad Singh, watchman for 10 days each with effect from the 3rd December, 1966 and the 18th December, 1966 respectively was an act of victimisation and as such the action is set aside, the 2 affected workmen are held as entitled to their wages and other emoluments for the periods of their suspension. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Government Industrial Tribunal (No. 2), Dhanbad.
[No. 2/64/67-LRII.]

S.O. 4762.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad in the industrial dispute between the employers in relation to the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, (Dhanbad) and their workmen, which was received by the Central Government on the 13th November, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 238 OF 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office, Jealgora (Dhanbad)

AND

Their workmen.

APPEARANCES:

On behalf of the workmen—Shri D. Narsingh, Advocate.

On behalf of the employer—Shri S. S. Mukherjee, Advocate.

STATE: Bihar INDUSTRY: Coal

Dhanbad, the 7th November, 1969.

16th Kartika, 1891 *Saka*

AWARD

The Central Government being of opinion that an industrial dispute exists between the employers in relation to the management to Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office, Jealgora (Dhanbad) and their workmen, by its Order No. 2/69/67-LR.II dated 6th July 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whther the action of the management of Digwadih colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora (Dhanbad) in suspending Shri Ram Narayan Sukul, watchman with effect from 24th December, 1966, Shri Rik Bahadur, watchman with effect from

13th December, 1966 and Shri Bhuneshwar Singh, watchman with effect from 13th December 1966 for 10 days each, was an act of victimisation? If so, to what relief are the workmen entitled?"

2. Employers as well as the workmen filed their statement of demands.

3. There are 3 workmen involved in this reference. They are Sarvashri Ram Narain Suku', Rik Bahadur and Bhuneshwar Singh all watchmen during the material period working at Digwadih Colliery of the employers. The 3 workmen referred to above will be mentioned hereafter as affected workmen Nos. 1, 2 & 3 respectively for the sake of convenience. On the night between 2nd and 3rd November 1966 the Security Officer, Shri Z. M. Pentey is said to have gone on inspection and found all the 3 affected workmen sleeping while on duty. Consequently, separate charge-sheets dated 11th/14th November 1966 were issued to each of the 3 affected workmen. The 3 affected workmen submitted their explanations denying the charges. The then Personal Officer, Shri D. R. Mody made a domestic enquiry against affected workman No. 1 on 28th November 1966 and a joint domestic enquiry against affected workmen Nos. 2 & 3 on 30th November 1966 and found all the 3 affected workmen guilty of the charge. The 3 affected workmen participated in the enquiry. As a result of the enquiries the Security Officer, Shri Z. M. Pentey issued orders on 12th December 1966 suspending the 3 affected workmen for 10 days each by way of punishment. These facts are not in dispute. The case of the workmen is that the domestic enquires held against the 3 affected workmen were unfair, improper and contrary to the principles of natural justice, that the 3 affected workmen were members of Tata Collieries Workers Union since January 1965 and were taking active interest in organising their workers in the said union to stop all sorts of malpractices and irregularities done by the management, that for the above reason the management had become very much displeased and annoyed with the 3 affected workmen, as a consequence the officers and the security officer in particular, had become hostile and vindictive and victimised the 3 affected workmen in according to a plan. The employers filed the written statement denying the allegations made by the workmen and pleading that the 3 affected workmen were punished in accordance with the Standing Orders after proper domestic enquiries. The workmen were represented by Shri D. Narsingh, Advocate and the employers by Shri S. S. Mukherjee, Advocate. On admission by the employers Exts. W-1 to W-7 for the workmen and on admission by the workmen Exts. M-1 to M-10 for the employers were marked. On behalf of the workmen 2 witnesses were examined. The employers examined a witness and marked Exts. M-11 to M-14.

4. In terms of the reference and the written statement filed by the wormen it is to be decided at the outset whether the action of the employers in punishing the 3 affected workmen by suspending them for 10 days each was with a view to victimise the affected workmen. In the written statement the workmen had not only pleaded that the 3 affected workmen were members of Tata Collieries Workers Union since January 1965 but has stated that they were taking active interest in organising their co-workers in the said union to stop all sorts of malpractices and irregularities done by the management. In para 4 of the written statement the workmen had specifically pleaded that the 3 affected workmen took active interest in organising the aforesaid union and that they had pointed out many irregularities of the officers of the watch & ward department. But there is no evidence to corroborate that the 3 affected workmen had played active part in organising the union or had as a matter of fact pointed out any irregularities of the officers of the watch & ward department. Out of the Exts. W-1 to W-7 none has any bearing on this point. The affected workmen No. 1, WW.1 went to the extent of deposing that even on the night when he came for inspection Shri Z. M. Pentey had threatened him with dismissal if he did not resign his membership of the union, "Lal Jhanda Union". Affected workman No. 3, WW. 2 has also deposed to the same effect. Both the affected workmen. WW-1 & WW-2 have in their evidence that they had told their union about this threat, but conspicuously explanations submitted by them to the charge-sheets, Exts. M-1, M-4 and M-6 do not mention any such threat. According to the effected workman No. 1, WW.1 there are more than 300 watchmen in watch & ward section and out of them 50 or 60 might be the members of the union. There is no material brought on record to show how many of such 50 or 60 watchmen, who had become members of the union were victimised by the employers. On this material I find no substance in the allegation that the 3 affected workmen were victimised by the employers for their being members of Tata Collieries Workers Union or for their trade union activities.

5. The workmen had specifically pleaded that the domestic enquiries held against the affected workmen were not fair, proper and in accordance with the principles of natural justice. As I have already pointed out Shri D. R. Mody, the then Personal Officer at Digwadih Colliery held enquiry against the effected workman No. 1 on 28th November, 1966 and against the affected workmen Nos. 2 & 3 on 30th November, 1966. The charge-sheets issued to the 3 affected workmen are respectively Exts. M-1, M-4 and M-6. The affected workmen had submitted their explanations to the charge on the same charge-sheets. The charge was under clause 19(10) of the standing orders for sleeping on duty. The explanations submitted by the 3 affected workmen were identical. They have denied the charge in its entirety. The explanations in particular made a serious allegation against Shri Z. M. Pentey, the Security Officer stating that at the time of the inspections he was in a worst drunken condition. The charge-sheets, Exts. M-1, M-4 and M-6 were issued under the signature of Shri Z. M. Pentey, the Security Officer. There is no evidence under whose orders the domestic enquiries were held by Shri D. R. Mody, MW.1 But it is obvious that Shri Z. M. Pentey must have known the allegations made against him before he appeared as a witness before the domestic enquiries. In the domestic enquiry against the affected workman No. 1 his statement was recorded on 28th November 1966 and thereafter on the same day the statements of the affected workman No. 1 and his defence witness were recorded. The enquiry officer, MW.1 put several questions to the affected workman No. 1 to ascertain how far the allegations of drunkenness made by him against Shri Z. M. Pentey was correct. That apart, before the enquiry officer there was absolutely no evidence apart from the oral testimony of Shri Z. M. Pentey to find the affected workman No. 1 guilty of the charge. So is the case in the domestic enquiries held against the affected workmen Nos. 2 & 3. In those two cases also the finding of the enquiry officer is based solely on the evidence of the Security Officer, Shri Z. M. Pentey. I feel that it was not proper and in accordance with the principles of natural justice that the enquiry officer should have accepted the evidence of the highly prejudiced and baised witness and solely on such evidence to find the affected workmen guilty of the charge. Before the enquiry officer Shri Z. M. Pentey in his statement, Ext. M-11 against the affected workman No. 1 had conceded in the cross examination that at the time of the inspection there was another watchman present and in the clarification on the statement of the defence witness, Shri R. A. Singh, Shri Z. M. Pentey has conceded that Shri R. A. Singh was the other watchman referred to by him earlier. This Shri R. A. Singh has appeared as a defence witness and contradicted Shri Z. M. Pentey in his statement. Shri Z. M. Pentey also has referred to a police man having been present with the affected workman No. 1 at the time of the inspection. But this police man is not examined. Similarly in the other domestic enquiries also the affected workmen Nos. 2 & 3 examined defence witnesses. For these reasons I find that the finding of the enquiry officer was based solely on the evidence of a highly hostile witness. The domestic enquiries cannot be said to be fair, proper or in accordance with the principles of natural justice. The inference is irresistable that the 3 affected workmen were punished by way of victimisation for their alleged behaviour towards Shri Z. M. Pentey, the Security Officer.

7. I therefore, find that the action of the management of Digwadih Colliery of M/s. Tata Iron & Steel Co. Ltd., P.O. Jealgora (Dhanbad) in suspending Shri Ram Narain Sukul, watchman with effect from the 24th December, 1966, Shri Rik Bahadur, watchman with effect from 13th December, 1966 and Shri Bhuneshwar Singh, watchman with effect from 13th December, 1966 for 10 days each, was an act of victimisation and, as such, the action is set aside, the 3 affected workmen are hold as entitled to their wages and other emoluments for the periods of their suspension. The award is made accordingly and submitted under Section 15 of the Industrial Dispustes Act, 1947.

(Sd.) N. VENKATA RAO,

Presiding Officer,

Central Government Industrial Tribunal (No. 2),

Dhanbad.

[No. 2/69-67-LRII.]

New Delhi, the 21st November 1969

S.O. 4763.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri K. Sharan Regional Labour Commissioner (Central), Asansol and arbitrator, in the industrial dispute between the employers in relation to the management of Moira Colliery of Messrs Western Bengal Coalfields Limited, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 12th November 1969.

BEFORE SHRI K. SHARAN REGIONAL LABOUR COMMISSIONER (C), ASANSOL

AND

ARBITRATOR

PRESENT :

Shri K. Sharan, Regional Labour Commissioner (C), Asansol.

PARTIES :

Employers in relation to Moira Colliery of M/s. Western Bengal Coalfields Limited, P.O. Ukhra, Distt. Burdwan.

Vs.

Their workmen represented by the Colliery Mazdoor Sabha (AITUC), G. T. Road, P.O. Asansol, Distt. Burdwan.

APPEARANCES :

For employer.—Shri G. S. Kapoor, Group Personnel Officer, Moira Colliery, P.O. Ukhra, Burdwan.

For workmen.—None.

INDUSTRY : Coal Mine. DISTRICT : Burdwan (West Bengal).

No. E.1/(5)/69 *Asansol the 6th November, 1969.*

AWARD

The Central Government, having received on the 11th September, 1969, a written agreement dated the 29th August 1969 between the employers in relation to Moira Colliery of M/s. Western Bengal Coalfields Ltd., P.O. Ukhra, Distt. Burdwan (hereinafter referred to as the management) and their workmen represented by the Colliery Mazdoor Sabha (AITUC), G. T. Road, P.O. Asansol, Distt. Burdwan (hereinafter referred to as the union) in pursuance of the provisions of sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947) referring the industrial dispute between them, the specific matters in dispute being detailed below, to my arbitration and the Central Government being of the opinion that the industrial dispute referred to above existed between the said management and their workmen, ordered publication of the said arbitration agreement in the Gazette of India, Part II, Section 3, sub-section (ii) under its order No. 6/70/69-LRII, dated the 29th September, 1969:

Specific Matters in Dispute :

"(i) Whether the management of Moira Colliery of M/s. Western Bengal Coalfields Limited, P.O. Ukhra, Distt. Burdwan locked-out the workers of the 1st shift of 12th August 1969 and if so to what relief they are entitled?"

2. I requested the General Secretary of the Colliery Mazdoor Sabha (AITUC), Asansol to submit written statement endorsing a copy thereof to the opposite party under registered post with A/D within seven days from the date of receipt of my letter No. E. 1/1(5)/69, dated 5th September 1969 addressd to the General Secretary of the union. Simultaneously, the Manager, Moira Colliery was requested to submit his rejoinder on the written statement if any, received from the union endorsing a copy thereof to the union within seven days from the date of receipt of the written statement from the union. My letter cited above was received by the union on 9th September, 1969 but no written statement was submitted by the union. I again requested the union to submit written statement under my letter of even number dated 6th October, 1969 so as to reach me latest by 10th October, 1969 endorsing its copy to the management. Inspite of all these no written statement was submitted by the union. In the same letter I requested both parties to attend hearing in my office on 16th October, 1969. The management submitted written

statement dated 15th October, 1969 which was received by me on the same date. On the same date I forwarded a copy of the written statement of the management to the General Secretary of the union for his information under my letter of even number dated 15th October, 1969. It was received by the union representative on the same date.

3. On 16th October, 1969 Shri G. S. Kapoor was present on behalf of the management of Moira Colliery. None was present on behalf of the Colliery Mazdoor Sabha (AITUC), Asansol. No petition was filed on behalf of the union for adjournment of the hearing. The representative of the management had vehemently opposed adjournment of the hearing on the ground that he had brought as many as 8 witnesses and some of them are likely to go away on long leave. As the union had neither submitted written statement inspite of two chances being given to them nor attended the hearing nor applied for adjournment of the hearing, it was presumed that the union was no longer interested in the dispute. The hearing was, therefore, held *in absentia*. The management produced 4 witnesses *viz.* R. G. Bidasaria, Manager Moira Colliery (MW. 1), Shri R. K. Mukherjee; Attendance Clerk (MW. 2), Shri Gayadin Ahir, Timber Mistry (MW. 3) and Shri Hubraj Ahir, Mining Sirdar (MW. 4). They were examined. The management also produced one letter and 3 registers and they were marked Ext. M. 1 to M. 4.

4. The case of the management as made out in the written statement in brief is that the management had no occasion to declare any lock-out nor declared any lock-out during the first shift of 12th August 1969; that as a matter of fact a large number of workmen instead of reporting for their respective duties at 6-30 A.M. formed an unlawful assembly and led a procession of such workmen towards the colliery office situated at about half a mile from pit No. 4; that when the procession reached the colliery office at about 7-30 A.M. they illegally confined Shri R. G. Bidasaria, Manager of the colliery along with other staff members who were inside the colliery office; that in that unlawful assembly there were large number of workers who were required to attend their duties in the first shift of 12th August 1969 which was scheduled to commence at 8 A.M. and those workers of their own accord did not report for their respective duties, that as the workmen had failed to attend to their duties in the first shift on 12th August 1969 in a concerted manner it amounted to strike and as such the workmen concerned were not entitled to any wages for that shift; that the management of the colliery lodged a complaint about the gherao *viz.* illegal confinement to the Sub-divisional Officer, Durgapur on telephone and requested him to take necessary action for the maintenance of law and order; that the Sub-divisional Officer, Durgapur came to the colliery at about 2-30 P.M. and on the same date he met the colliery Manager, members of the unlawful assembly and as a result of his pursuation the gherao was lifted; that on the same date the management had lodged a complaint about the gherao to the officer-in-charge, Ondal Police Station; that as against the normal strength of 470 underground workers 31 workmen including supervisory staff had gone down the mine on 12th August, 1969 and similarly as against the normal strength of 78 persons on the surface 45 persons including workmen and members of staff attended to their respective duties above ground on that date; that the allegations of the workmen that the management had declared lock-out on 12th August, 1969 was baseless and the workmen were not entitled to any wages as they resorted to strike without any notice what-so-ever.

5. To substantiate its case the management had produced 4 witnesses. R. G. Bidasaria, Colliery Manager (MW. 1) has stated on oath that he had not declared any lock-out at Moira Colliery on 12th August, 1969 and that the management had not refused work to any of the workmen during the first shift on 12th August, 1969 and as a matter of fact the attendance clerks were on duty at relevant places of work as usual and similarly the persons in the lamp cabin were on duty as usual and such of the workmen as had reported for duties in the first had gone to their respective places of work after getting their attendances marked in the relevant attendance registers. The normal working strength underground was 470 out of whom 31 workmen went underground and out of the normal working strength of 78 on surface 45 had reported for work and had actually worked in the first shift on 12th August, 1969. On 12th August, 1969 at about 7.30 A.M. a procession of about 1200 to 1400 workers of the colliery had come to the office of the Colliery Manager and had gheraoed him in his office and had raised various slogans and had also abused him as well as the management. At about 8.30 A.M. the General Secretary, Adjai Valley Colliery Mazdoor Union submitted a charter of demand. The gherao was lifted at about 4 P.M. at the personal intervention of the Sub-divisional Officer, Durgapur who had come to the colliery. The Sub-divisional Officer Durgapur who had come to the colliery at about 2.30 P.M. Earlier the MW. 1 had persuaded

such of the workmen as were required to report for their duties in the first shift to report for their duties but they did not listen to him. The remaining three witnesses of the management also corroborated the statement of MW. 1

6. Exhibits M.2 and M.3 are the attendance registers in respect of the below ground workmen of Moira Colliery. This register indicated that out of 482 workmen on rolls in the first shift during the week ending 17th August, 1969 31 workmen had actually reported for duty during the first shift on 12th August 1969 and had worked during the first shift. Ext. M.4 is the attendance register in respect of the surface workers of Moira Colliery which indicated that out of the total normal strength of 77 workmen 45 workmen reported for duty in the first shift on 12th August, 1969 and they worked during that shift. Ext. M.1 is the charter of demands submitted by the General Secretary, Adjai Valley Colliery Mazdoor Union on the Manager, Moira Colliery on 12th August, 1969. Thus, the relevant statement of MW.1 that such of the workmen as had reported for duty during the first shift had worked during that shift and that the attendance clerks and the safety lamp cabinmen were on duty during the first shift have been substantiated by Exts. M.2, M.3 and M.4.

7. Neither any written statement had been filed on behalf of the workmen nor any evidence had been produced to refute the contention of the management. On the other hand the management has produced sufficient evidences both oral as well as documentary to substantiate that the management had not declared any lock-out during the first shift on 12th August, 1969.

8. In the circumstances, I hold that the management of Moira Colliery of M/s. Western Bengal Coalfields Limited, P.O. Ukhra, Dist. Burdwan did not lock-out any workmen in the first shift on 12th August 1969 and as such the question of granting any relief to any workman does not arise. The arbitration award is made accordingly and submitted to the Central Government under Section 10A(4) of the Industrial Disputes Act, 1947.

(Sd.) K. SHARAN.

6 Nov. 1969. Regional Labour Commissioner (C),

Asansol.

& Arbitrator.

[No. 6/70/69-LR-II.]

New Delhi, the 24th November 1969

S.O. 4764.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jaipur, in the industrial dispute between the employers in relation to the management of Messrs Udaipur Mineral Development Syndicate (Private) Limited and their workmen, which was received by the Central Government on the 18th November 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, RAJASTHAN, JAIPUR

PRESENT :

Shri Gopal Narain Sharma, Presiding Officer.

CASE NO. CIT-7 OF 1969

REFERENCE: Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment Order No. 24/53/68-LRI dated the 24th January, 1969.)

In the matter of an Industrial dispute

BETWEEN

the employers of M/s. Udaipur Mineral Development Syndicate (P) Ltd.

AND

Their workmen represented by the Khan Mazdoor Congress Bhilwara.

APPEARANCES :

For the Mazdoor Congress—Shri Srilal Tak.

For the Management—Shri S. Singh Mehta.

Date of Award—23rd of February 1969.

AWARD

The Central Government by its order dated the 24th of January, 1969 referred the following dispute between the Management of M/s. Udaipur Mineral Development Syndicate (Private) Limited, and their workmen (represented by the Khan Mazdoor Congress, Bhilwara) to this Tribunal for adjudication :

"Whether action of the management of Messrs Udaipur Mineral Development Syndicate (Private) Limited in paying wages at the rate of Rs. 50/- P.M. instead of Rs. 55/- P.M. with effect from 1st February 1968 to Sarvashri Chotu s/o Moda, Gopal Singh s/o Naval Singh, Bheru s/o Pana, Bheru s/o Narain and Heera s/o Jairam employed in their Shiv Bhandar Soap Stone Mine, is justified? If not, to what relief are the workmen entitled?"

When the case came up for hearing today Shri Shri Lal Tak Secretary, Khan Mazdoor Congress, Bhilwara moved an application stating that the parties have mutually settled the dispute out of Court and prayed that a no dispute award be passed in the matter.

Hence a no dispute award is passed accordingly. It may be submitted to the Central Government for publication.

(Sd.) GOPAL NARAIN SHARMA,
Presiding Officer.
Central Industrial Tribunal, Rajasthan,
Jaipur.

[No. 24/53/68-LR.IV.]

ORDERS

New Delhi, the 17th November 1969

S.O. 4765.—Whereas the Central Government is of opinion that in industrial dispute exists between the employers in relation to the management of Benedih Colliery of Messrs Benedih Coal Concern, Post Office Nudkhurkee, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Benedih Colliery of Messrs Benedih Coal Concern, Post Office Nudkhurkee, District Dhanbad, was justified in refusing employment to Sarvashri Kumar Chowhan, Karmali Bhar and Ramadhar Bhar, Miners with effect from the 6th August, 1969, 17th July, 1969 and the 23rd July, 1969, respectively? If not, to what relief are these workmen entitled?"

[No. 2/171/69-LR. II]

S.O. 4766.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of East Bastacolla Colliery belonging to East Bastacolla Colliery Company, post Office Jharia, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of East Bastacolla Colliery belonging to East Bastacolla Colliery Company, Post Office Jharia, District Dhanbad, in dismissing Shri Mohammed Alim, Trammer with effect from the 12th July, 1969, is justified? If not, to what relief is the workmen entitled?"

[No. 2/151/69-LR. II.]

New Delhi, the 18th November 1969

S.O. 4767.—Whereas an industrial dispute exists between the management of Bhilai Steel Plant, Hindustan Steel Limited, Bhilai, District Durg (Madhya Pradesh) in relation to Nandini Limestone Mines and their workmen represented by Mines Workers Union, Nandini, Post Office Nandini Mines District Drug (Madhya Pradesh);

And whereas the said company and the union have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 1st November, 1969.

Agreement

(Under Section 10-A of the Industrial Dispute Act, 1947)

BETWEEN

Name of Parties.

Representing employers.—Sri K. G. Marar, Addl. Labour Welfare Officer, Industrial Relations (Mines) Bhilai Steel Plant.

Representing workman.—Sri G. P. Shukla, General Secretary, Mines Workers Union, Nandini, P.O. Nandini Mines, Distt. Durg, (M.P.).

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Sri S. Sankarappa, Asstt. Labour Commissioner (C) Nagpur.

Specific matters in dispute.—Whether the claim of Sri M. Verghese presently employed as Chargeman (Supplies), Nandini Mines of Bhilai Steel Plant, for the post of Store Keeper grade II, in the scale of Rs. 325—475/- w.e.f. 24-5-1962 is legal and justified? If not, what relief, the workman is entitled to without disturbing the *status quo ante*?

(ii) Details of the parties to the dispute including the name and address of the establishments or undertaking involved.

General Manager, Bhilai Steel Plant, Hindustan Steel Limited, Bhilai, Distt. Durg (M.P.) in relation to Nandini Limestone Mines and their workman represented by Mines Workers Union, Nandini, P.O. Nandini Mines, Distt. Durg, (M.P.).

(iii) Name of the Union, if any, representing the workmen in question.

Mines Workers Union, Nandini, P.O. Nandini Mines Distt. Durg, (M.P.).

(iv) Total number of workmen employed in the undertaking affected.
1800.

(v) Estimated number of workmen affected or likely to be affected by the dispute.
1 (One).

The arbitrator shall make his award within a period of six months from this date or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the

reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties.

Sd./- K. G. MAHAR,

Bhilai 12-10-1969. Representing employers.

Sd./- G. P. SHUKLA,

Representing workman.

Witnesses. Accepted.

(1) Sd./- E. R. T. RATNAM, Sd./- S. SANKARAPPA,

(2) Sd./- P. K. JOHNEY. 17/10.

Asstt. Labour Commissioner (C) Nagpur.

[No. 37/36/69-LR. IV.]

New Delhi, the 24th November 1969

S.O. 4768.—Whereas the employers in relation to the management of Bhojudih Coal Washery of Messrs Hindustan Steel Limited, Post Office Santaldih, District Purulia, West Bengal and their workmen represented by the Hindustan Steel Coal Washeries Employees' Union (UTUC), have jointly applied to the Central Government under sub-section (ii) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto, annexed;

And whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (ii) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

"(a) Whether Bhojudih Coal Washery is to be treated as a separate establishment of the Central Coal Washeries Organisation of Messrs Hindustan Steel Limited for payment of bonus under Payment of Bonus Act 1965? If not, to what relief are the workmen employed at Bhojudih Coal Washery of Messrs Hindustan Steel Limited entitled in regard to payment of bonus under the said Act?

(b) Whether the workmen employed at Bhojudih Coal Washery of the Central Coal Washeries Organisation of Messrs Hindustan Steel Limited, Post Office Santaldih, District Purulia, West Bengal are entitled to payment of bonus under the Payment of Bonus Act, 1965 and if so, to what rate and from which year?"

[No. 8/81/69-LRII.]

S.O. 4769.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Lakurka Colliery of Messrs Lakurka Coal Company Limited, 3, Synagogue Street, Calcutta-1; and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether, having regard to the financial capacity of the Lakurka Colliery of Messrs Lakurka Coal Company Limited, the action of the management—

(i) in not paying the Variable Dearness Allowance to their workers as per the recommendations of the Wage Board for Coal Mining Industry

at the rate of Rs. 1.11 per head per day with effect from the 1st October, 1967 and Rs. 1.47 per head per day with effect from the 1st April, 1968;

(ii) in not paying annual increments with retrospective effect from the 15th August 1968 to all the time rates, and weekly and monthly paid workmen; and

(iii) in not paying the arrear dues arising out of implementation of Wage Board recommendation with effect from the 15th August, 1967.

is justified? If not—

(i) what should be the quantum of variable dearness allowance in this colliery? and

(ii) to what relief, if any, are the workers entitled?"

[No. 2/18/69-LR.II.]

S.O. 4770.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kapasara Colliery of Messrs Kapasara Coal Company, Post Office Mugma, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Kapasara Colliery of Messrs Kapasara Coal Company, Post Office Mugma, District Dhanbad in stopping from work the twenty workmen, whose names and designations are given below, with effect from the 2nd May, 1967 was justified? If not, to what relief are these workmen entitled?"

Sl. No.	Name	Designation
1.	Shri Abdul Shekh	Boiler fireman.
2.	Shri Chhakawri Prasad	Trammer
3.	Shri Mahadeo Singh	Trammer
4.	Shri Joyti Modi	Trammer
5.	Shri Thuru Modi	Trammer
6.	Shri Sadanand Kumbhar	Haulage Khalasi
7.	Shri Subodh Gope	Pump Khalasi
8.	Shri Sahadeo	Pump Khalasi
9.	Shri Kailash Bhuian	Loading Mazdoor
10.	Shri Chandmuni Maghian	Loading Mazdoor
11.	Shri Curupado Gorain	Boiler fireman.
12.	Shri Shaymapadu Sarkar	Pump Khalasi
13.	Shri Shokha Manghe	Trammer
14.	Shri Mansha Manghe No. 2	Trammer
15.	Shri Risha Mundain	Loading Mazdoor
16.	Shri Kalo Manghe	Trammer
17.	Shri Purungi Manghiam	Depot Mazdoor
18.	Shri Moti Bauri	Depot Mazdoor
19.	Shri Hari Bhuian	Depot Mazdoor
20.	Shri Nanda Manjhi	Trammer

[No. 2/115/69-LRII.]

S.O. 4771.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of 6 and 7 Pits Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the dismissal of Shri Chanan Singh, Mechanical Foreman (T. No. 40551), 6 and 7 Pits Colliery with effect from the 4th January, 1968 by the management of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad was justified? If not, to what relief is the workman entitled?"

[No. 2/228/68-LR.II.]

S.O. 4772.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jaipur Mineral Development Syndicate Private Limited, Jaipur and their workmen in respect of the matters specified in the schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma, as Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"I. Whether the action of the management of Dagota Soapstone Mine in shifting Shri Ramnath, Driver, from the Engine Section was an act of victimization? If so, to what relief is the workman entitled?

II. Whether the demand of the workmen employed in Dagota Soapstone Mine Dausa for grant of 15 days' sick leave with wages in a calendar year is justified? If not, to what relief are the workmen entitled?"

[No. 36/41/69-LR.IV.]

P. C. MISRA, Under Secy.

(Department of Rehabilitation)

(Office of the Regional Settlement Commissioner)

Jullundur, the 17th November 1969

S.O. 4773.—In exercise of the powers conferred on me under sub-section (3) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, Harish Chander, Regional Settlement Commissioner, delegate to Shri S. N. Bahl, Assistant Settlement Commissioner, Jullundur, my following powers with effect from the 7th of November, 1969:—

1. To hear and decide appeals under Section 22 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, except those against the orders passed by the Settlement Officer (Urban Lands/Managing Officer (Urban Lands).

2. To decide cases falling under sub-section (b) of Section 9 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

[No. RSCJ|23|23|20|67-68|Admn.]

HARISH CHANDER,

Regional Settlement Commissioner.

DEPARTMENT OF COMMUNICATIONS

(P. and T. Board)

New Delhi, the 13th November 1969

S.O. 4774.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12, sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications (Posts and telegraphs) No. SRO-620, dated the 28th February, 1957, namely:—

In the Schedule to the said notification—

(a) in Part II.—*General Central Service, Class III*, under the heading "Telegraph Engineering Divisions and sub-Divisions including Telecommunications Training Centres", against the entry "All other posts" in column 1, after the words "Assistant Divisional Engineer, Telegraphs" in column 3, the words "Accounts Officer" shall be inserted;

(b) in Part III, *General Central Service, Class IV*, under the heading "Telegraph Engineering Divisions and Sub-Divisions including Telecommunications Training Centres", against the entrry "All posts" in column 1, after the words "Assistant Divisional Engineer" in columns 2 and 3, the words "Accounts Officer" shall be inserted.

[No. 44/18/68-Disc.]

S. JAGANNADHAN,
Asstt. Director General,
Posts and Telegraphs.

(P. & T. Board)

New Delhi, the 19th November 1969

S.O. 4775.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 16th December, 1969 as the date on which the Measured Rate System will be introduced in MUSSOORIE Telephone Exchange, UP. Circle.

[No. 5-52/69-PHB(4).]

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 19 नवम्बर 1969

स्थायी आदेश क्रमसंख्या 4775.—स्थायी आदेश क्रम संख्या 627 दिनांक 8 मार्च 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 खंण्ड III के पैरा (क), के अनुसार डाक-तार महानिदेशक ने मसूरी टेलीफोन केन्द्र में 16-12-61 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है :

[सं० 5-52/69-पी०एच०बी० (4)]

New Delhi, the 21st November 1969

S.O. 4776.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960; the Director General, Posts and Telegraphs, hereby specifies the 16th December, 1969 as the date on which the Measured Rate System will be introduced in VILLUPURAM Telephone Exchange, Tamil Nadu Circle.

[No. 5-53/69-PHB(2).]

D. R. BAHL,
Assistant Director General (PHB).

नई दिल्ली, 21 नवम्बर 1969

एस० ओ० 4776.—स्थायी आदेश क्रम संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने विल्लुपुरम टेलीफोन केन्द्र में 16-12-69 से प्रभावित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-53/69-पी० एच० बी० (2)]

डी० आर० बहल,

सहायक महानिदेशक (पी०एच०बी०)

MINISTRY OF STEEL AND HEAVY ENGINEERING

(Department of Iron and Steel)

(Iron and Steel Control)

ORDER

Calcutta, the 19th November 1969

S.O. 4777/ESS.COMM/RPDE/68.—In exercise of the powers conferred on me by Notification No. S.O. 1436 dated 18th April, 1967 under the Essential Commodities (Regulation of Production and Distribution for purposes of export) Order, 1966, I hereby direct that the firm specified in Column I of the Table below shall sell the goods as specified in Column 2 there-aganst to the firm specified in the corresponding entry in Column 3 of the said table for purposes of manufacture of Engineering goods for export at the price indicated three-against in Column 4 subject to the conditions enumerated in Column 5 of the said table.

Name of the firm	Specification of goods	Name of the exporter	Price	Condition
(1)	(2)	(3)	(4)	(5)
M/s. Indian Steel & Wire Products Ltd., P. O. Indernagar, Distt. Singhbhum.	H. B. Wires 25·337 tonnes (Twenty five point three three seven tonnes).	M/s. Mitter Manufacturing private Ltd., 71, Ganesh Chandra Avenue, Calcutta.	Normal Price at the time of delivery.	Supplies should be made on export priority basis i. e., a Priority next only to that of Defence).

[No. PEP/2/4(268)/69.]

इस्पात तथा भारी इंजिनियरी मंत्रालय

(लौह तथा इस्पात विभाग)

आदेश

कलकत्ता, 19 नवम्बर 1969

एस० ओ० 4777.—ई०एस०एस०/सी०ओ०एम०एम०/आर०पी०डी०ई०/68—आवश्यक वस्तु (निर्यात के प्रयोजनों के लिए उत्पादन और वितरण का विनियमन) आदेश 1966 के अन्तर्गत अधिसूचना संख्या एस० ओ० 1436 दिनांक 18-4-67

के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, एतद्द्वारा नीचे दिए गए तालिका के स्तम्भ 1 के फर्म को स्तम्भ 2 में उल्लेखित वस्तुओं को, स्तम्भ 3 में नामांकित फर्म को इंजीनियरी वस्तुओं के उत्पादन तथा निर्यात हेतु स्तम्भ 4 मे दिये गये मूल्य पर, स्तम्भ 5 में दिए हुए शर्त पर विक्रय करने का आदेश देता हूं ।

फर्म का नाम	वस्तुओं का विस्तृत विवरण	निर्यातक का नाम	मूल्य	शर्त
1	2	3	4	5
मैसर्स इण्डियन स्टील एण्ड वायर प्रोडक्ट्स लिमिटेड, इन्द्रनगर्, सिंगभूम ।	एच० बी० वायर्स 25·337 टन (पच्चीस दशमलव तीन तीन सात टन) ।	मैसर्स मिट्टर मैनुफेक्चरिंग प्राइवेट लिमिटेड, 71, गणेश चन्द्र एविन्यू, कलकत्ता–13 ।	सामान्य मूल्य जो माल के भुगतान के समय हो ।	माल का भुगतान निर्यात प्राथमिकता के आधार पर (अर्थात् ऐसी प्राथमिकता जो प्रतिरक्षा के माल के भुगतान के बाद हो) देनी होगी ।

[सं० पी० ई० पी० 2/4(208)/69]

S.O. 4778/ESS.COMM/RPDE/67.—In exercise of the powers conferred on me by Notification No. S.O. 1436 dated 18th April, 1967 under the Essential Commodities (Regulation of Production and Distribution for purposes of export) Order, 1966, I hereby direct that the firm specified in Column 1 of the Table below shall sell the goods as specified in Column 2 there-against to the firm specified in the corresponding entry in Column 3 of the said Table for purposes of manufacture of Engineering goods for export at the price indicated there-against in Column 4 subject to the conditions enumerated in Column 5 of the said Table.

Name of the firm	Specification of goods	Name of the exporter	Price	Condition
1	2	3	4	5
M/s. Indian Steel & Wire Products Ltd., Indranagar, Singhbhum.	H.B. Wires-16 SWG 3·935 M.T. (Three point nine three five M.T. only).	M/s. Indian Metal Industries, 9, Bonfield Lane, Calcutta-1.	Normal price at the time of delivery.	Supplies should be made on Export Priority basis (*i.e.*, a priority next only to that of Defence).

[No. PEP/2/4(102)/68.]

By order etc.
S. SAHAY,
Director of Export Production
& Iron and Steel Controller.

एस० ओ० 4778/ई० एस० एस०/सी० ओ० एम० एम०/आर० पी० डी० ई०/67.—आवश्यक वस्तु (निर्यात के प्रयोजनों के लिए उत्पादन और वितरण कर विनियमन) आदेश, 1966 के अन्तर्गत अधिसूचना सं० एस० ओ० 1436 दिनांक 18-4-67 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, एतद्द्वारा नीचे दिये गये तालिका के स्तम्भ 1 के फर्म को स्तम्भ 2 में उल्लेखित वस्तुओं को, स्तम्भ 3 में नामांकित फर्म को इंजीनियरी वस्तुओं के उत्पादन तथा निर्यातहेतु स्तम्भ 4 में दिए गए मूल्य पर, स्तम्भ 5 में दिए हुए शर्त पर विक्रय करने का आदेश देता हूं ।

फर्म का नाम	वस्तुओं का विस्तृत विवरण	निर्यातक का नाम	मूल्य	शर्त
1	2	3	4	5
मैसर्स इण्डियन स्टील एण्ड वायर प्रोडक्ट्स लिमिटेड, इन्द्रनगर, सिंगभूम ।	एच० बी० वायर्स 16 गेज 3,935 टन (तीन दशमलव नौ तीन पांच टन) ।	मैसर्स इण्डियन मैटल इण्डस्ट्रीज, 9, बोनफील्ड लेन, कलकत्ता-1	सामान्य मूल्य जो माल के भुगतान के समय हो ।	माल का भुगतान निर्यात प्राथमिकता के आधार पर (अर्थात ऐसी प्राथमिकता जो प्रतिरक्षा के माल के भगतान के बाद हो) देनी होगी ।

[सं० पी० ई० पी०/2/4(102)/68]

आज्ञा से इत्यादि

एस० सहाय,
निर्यात उत्पादन निदेशक
और
लोह तथा इस्पात नियन्त्रक ।

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1969